

RESOLUTION OPPOSING THE GOVERNOR'S MANDATES REGARDING VACCINATIONS AND MASKING

WHEREAS, in late 2019, an outbreak of novel coronavirus ("COVID-19") occurred in China and quickly spread across the globe; and

WHEREAS, on March 9, 2020, the Governor of Illinois declared all counties in the State of Illinois as a disaster area pursuant to the Illinois Emergency Management Agency Act (20 ILCS 3305); and

WHEREAS, the Governor has continued to declare all counties in the State of Illinois as disaster areas every 30 days since March 9, 2020, up to and including August 20, 2021, such that the entire State has remained in a disaster footing for nineteen continuous months; and

WHEREAS, on August 26, 2021, Governor Pritzker issued Executive Order 2021-20, which once again makes masks mandatory for all individuals in all indoor public places, regardless of vaccination status; and

WHEREAS, Executive Order 2021-20 also imposes mandated vaccinations on health care workers, school and higher education personnel, post high school students, as well as those who work at state-owned congregate facilities, with exceptions only for medical accommodation and accommodation of sincerely held religious belief, but with those individuals being subject to additional testing; and

WHEREAS, the Board of Trustees of the Village of Orland Park cares deeply for the health and well-being of the residents of the Village and visitors to the Village; and

WHEREAS, since the beginning of this pandemic, the Village of Orland Park has been proactive in providing assistance to its residents, businesses and visitors; and

WHEREAS, the Village of Orland Park recognizes that public health adjustments such as social distancing may need implementation in order to keep the residents of the Village safe and healthy during these unprecedented times; and

WHEREAS, the Village of Orland Park also recognizes that the public health response has fundamentally changed now that vaccines are widely available to those residents who desire to receive them; and

WHEREAS, the Village desires to act for the benefit of the health, safety and welfare of the residents of the Village, by providing public access in a safe and measured way, balancing the public health situation of the Village with the other needs of Village residents; and

WHEREAS, the original goal of the emergency orders was to flatten the curve and ensure that our hospital systems were not overwhelmed; and

WHEREAS, since these goals continue to be met, new and continuously unrealistic goals are being imposed unilaterally without legislative approval; and

WHEREAS, since the beginning of this pandemic, rather than being engaged in the decision making process, local officials have been informed of these decisions via press conferences; and

WHEREAS, this lack of engagement and communication creates enormous challenges for local government bodies, and for this reason, it is critical that local officials, including members of the General Assembly, are involved in the pandemic response process.

WHEREAS, the Illinois General Assembly, a co-equal branch of government in Illinois, has remained in recess from the beginning of March, 2020 until the end of May, 2020, held a brief session at the end of May, 2020 during which the COVID-19 pandemic was not addressed by any substantive measures, remained in recess for the almost six months since until reconvening for another brief session; and

WHEREAS, the Illinois General Assembly convened for session in 2021, during which it demonstrated that it was generally content to defer to the Executive Branch to deal with the response to the COVID-19 pandemic; and

WHEREAS, the Illinois Emergency Management Agency Act (20 ILCS 3305/7) provides that the Governor may exercise emergency powers “for a period not to exceed 30 days;” and

WHEREAS, the Illinois Emergency Management Agency Act also provides that the Act “shall not be construed to: (c) affect the jurisdiction or responsibilities of police forces, firefighting forces...” 20 ILCS 3305 /3(c);

WHEREAS, the rights of Illinois residents under the First, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution, as well as Sections Two, Four, Five, and Twenty-three of Article I of the Illinois Constitution are being significantly abridged by the requirements promulgated by Governor Pritzker in his Executive Orders; and

WHEREAS, the Governor has exceeded his authority to Act in both time and scope by issuing Orders beyond the time period provided for in the Illinois Emergency Management Agency Act and by issuing Orders that abridge the constitutional rights of Illinois residents without having a rational relationship to the efficacy of protecting public health and without care taken to narrowly tailor the action to be the least restrictive measure that will accomplish the stated goal; and

WHEREAS, the Illinois General Assembly, as a representative body, has the power and responsibility to take up these issues and legislate on behalf of the residents of Illinois in collaborative response to the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED, by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The above recitals are incorporated by reference into this Section 1 and made a part hereof as though fully set forth herein.

SECTION 2

The Village President and Board of Trustees of the Village hereby call for the Illinois General Assembly to end its abdication of responsibility and reconvene to address the health, safety and welfare of Illinois residents in light of COVID-19 by exercising their valid authority to legislate in those areas.

SECTION 3

The Village President and Board of Trustees of the Village call for the General Assembly to reexamine the Governor’s mandate to require universal masking regardless of vaccination status.

SECTION 4

The Village President and Board of Trustees of the Village call for the General Assembly to reexamine the Governor's Order for mandated vaccination and additional requirements for those who are eligible for accommodation.

SECTION 5

The Village President and Board of Trustees of the Village calls for the General Assembly to afford adequate due process for any municipal corporation or any individual resident of the State of Illinois or any business in the State of Illinois to appeal any masking and vaccination requirements.

SECTION 6

The Village President and Board of Trustees of the Village re-state that it is the policy of the Village not to take enforcement action in furtherance of the mitigations set forth in the Governor's Executive Orders, because the Illinois Emergency Management Agency Act provides for enforcement of Orders promulgated under that Act by Emergency Management and/or disaster agencies organized under that Act, and because the provisions of the Orders violate the rights of Village residents and employees without being fact-based, necessary mitigations.

SECTION 7

The various provisions of this Resolution are to be considered as severable, and if any part or portion of this Resolution shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution.

SECTION 8

All ordinances, resolutions, motions or parts thereof in conflict with this Resolution shall be and the same are hereby repealed to the extent of such conflict.