



## Legislation Text

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**File #:** 2020-0480, **Version:** 1

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### Title

RESOLUTION ADOPTING THE VILLAGE OF ORLAND PARK'S BACK TO NORMAL PLAN

### Body

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

WHEREAS, the Board of Trustees of the Village of Orland Park cares deeply for the health and well-being of everyone who works in, lives in, or visits the Village of Orland Park and recognizes the need for enhanced safety precautions to protect the public health during these unprecedented times; and

WHEREAS, the Board of Trustees of the Village of Orland Park believes individuals and businesses have been, and will continue to, self-regulate by following recommendations concerning physical distancing and increased attention to personal and area sanitation measures; and

WHEREAS, the Board of Trustees of the Village of Orland Park, using publicly available science, data and modeling know COVID-19 effects are heavily concentrated in older citizens and those with serious comorbidities, and strongly encourage individuals and families who are most at risk to take extra measures to protect themselves, including extending their self- isolation, maintaining their social distancing, and following CDC guidelines until effective treatments are proven and widely available as vaccines are being developed.

WHEREAS, the Board of Trustees of the Village of Orland Park, using publicly available science and data can show the actual infection rate for COVID-19 has been consistently less than 20% of all people tested at both the national and local level, and less than 20% of that group develops symptoms or needs hospitalization, indicating that the trajectory of this disease in the population is far below the initial “worst case” models, on which many emergency orders were based,

WHEREAS, the Board of Trustees of the Village of Orland Park, strongly encourages everyone, whether they are acting as individuals, as families or as businesses to recognize two critical facts about their role in controlling the spread of COVID-19: 1) it is incumbent on them to follow the CDC guidelines to protect themselves and the people they are in contact with; and

2) it is not just about them, it is about their individual actions helping our community, our State and our nation get through this pandemic; and

WHEREAS, the State of Illinois has failed to adequately protect long-term care facilities that represent 55% of deaths related to COVID-19 in Illinois as of the date of this resolution; and

WHEREAS, the stress and economic harm caused by the stay-at-home order affects the physical and mental health of the residents of the Village of Orland Park, leading to increases in suicides, physical abuse, and addiction; and

WHEREAS, the Governor’s statewide orders have caused severe economic hardship to the Village and the residents of the Village, through a significant rise in unemployment and a reduction in the economic activity of the Village; and

WHEREAS, the State of Illinois is overwhelmed with unemployment requests and revenue projections at the State and local levels are down significantly; and

WHEREAS, many local businesses are at a high risk of shutting down permanently or suffering irreparable economic damage that will have a lasting and negative impact on the livelihoods of many Orland Park residents; and

WHEREAS, the Village of Orland Park recognizes the economic havoc the COVID-19 shutdown is wreaking on people and businesses; and

WHEREAS, re-opening the local economy using a measured and staged approach will help get people back to work, keep the economy functioning to support a robust health care system, help people maintain the funds and insurance necessary to receive appropriate medical care, minimize the revenue losses at the State and local levels, and help our society return to a sense of normalcy; and

WHEREAS, beginning with Executive Order 2020-03 on March 12, 2020 and continuing through Executive Order 2020-36 on May 1, 2020, the Governor of Illinois issued a series of Executive Orders in response to the COVID-19 pandemic which have shuttered businesses and caused Illinois residents to stay at home except for extremely limited reasons; and

WHEREAS, the Governor's Executive Orders have been ambiguous and difficult to interpret with any measure of consistency which has led to confusion and uncertainty; and

WHEREAS, on May 5, 2020, Governor Pritzker announced the “Restore Illinois” plan, which grouped the State of Illinois into four regions and requires each region to have certain healthcare benchmarks before moving to the next phase of the plan; and

WHEREAS, the Governor’s authority to direct enforcement under the Illinois Emergency Management Agency Act (IEMAA) is limited to emergency agencies, and any requirement that local authorities carry out enforcement of the Executive Orders is both prohibited under the IEMAA and constitutes an impermissible unfunded mandate under the State Mandates Act; and

WHEREAS, the Governor declared a disaster on March 9<sup>th</sup> and under the IEMAA, his emergency powers are limited to 30 days; and

WHEREAS, the General Assembly convened on May 20, 2020, but has failed to take action to address and/or clarify the Governor’s authority to continue to act under Executive Order authority, and

WHEREAS, on July 2, 2020 the Clay County Circuit Court declared that the 30-days of emergency powers provided under Section 7 of the Illinois Emergency Management Act provided to the Governor to address the COVID-19, lapsed on April 8, 2020 and the Court further declared any executive orders in effect after April 8, 2020 relating to COVID-19, which found their authority under the emergency powers of Section 7 the IEMAA are void ad initio which includes the Governor’s “Restore Illinois” Plan, and

WHEREAS, on July 2, 2020 the Clay County Circuit Court declared that none of the cited

provisions of the IEMAA in Executive Order 32 delegated the Governor any authority and the Governor had no constitutional authority as Governor to restrict a citizen's movement or activities and/or forcibly close business premises; and

WHEREAS, on July 2, 2020 the Clay County Circuit Court granted the Plaintiff's oral request that his Amended Complaint be a representative action and apply to all citizens of the State of Illinois; and

WHEREAS, the legislature failed to take any meaningful action related to the coronavirus pandemic, and

WHEREAS, the Village believes it to be in the best interests of itself and its businesses and residents that the Illinois General Assembly take legislative action regarding the COVID-19 pandemic, providing for local, targeted public health measures for the control of COVID-19;; however, even though the legislature has failed to do so; and

WHEREAS, the Village desires to adopt its Back-to-Normal Plan as a guide for the businesses and residents of the Village;

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 adopt the Back-To-Normal Plan which is attached hereto and incorporated by reference into this Section 2 and made a part hereof as though fully set forth herein.

SECTION 3

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 4

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.

SECTION 5

This Resolution shall be effective immediately upon its adoption as provided by law.