

ORDINANCE NO. 2020 -O-12

An Ordinance Waiving Remote Attendance Rules for the Duration of the Local State of Emergency Declaration

WHEREAS, the Village of Algonquin, Kane and McHenry Counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, pursuant to state law, the Village President has declared a State of Emergency and Illinois Governor Pritzker has issued a Gubernatorial Disaster Proclamation in light of the dangers to public health presented by the spread of the Coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 16, 2020 Governor Pritzker issued Executive Order No. 2020-07 (COVID-19 Executive Order No. 5), that, among other things, provided in Section 6 that:

“During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body are suspended. Specifically, (1) the requirement in 5 ILCS 120/2.01 that “members of a public body must be physically present” is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended.”;
and

WHEREAS, that same Section 6 encouraged public bodies to postpone consideration of public business where possible and, where a meeting remained necessary, encouraged public bodies “to provide video, audio, and/or telephone access to meetings to ensure members of the public may monitor the meeting, and to update their websites and social media feeds to keep the public fully apprised of any modifications to their meeting schedules or the format of their meetings due to COVID-19, as well as their activities relating to COVID-19.”; and

WHEREAS, Executive Order No. 2020-07 (COVID-19 Executive Order No. 5), has prohibited public gatherings of fifty people or more for the duration of the Gubernatorial Disaster Proclamation and the White House has discouraged social gatherings of greater than ten people to limit the spread of the virus; and

WHEREAS, the Village wishes to ensure that the business of the Village can be conducted, as necessary, in a manner that does not compromise the public health but that still seeks to protect the values of public openness articulated in the Illinois Open Meetings Act; and

WHEREAS, the Village's own ordinances providing for in-person and remote attendance were prepared in a manner consistent with the Illinois Open Meetings Act but must be revised in light of the current conditions and the Governor's waiver of the in-person attendance rules of the Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane counties, Illinois, as follows:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: That Chapter 3.16, Rules for Meeting Attendance of the Village of Algonquin Municipal Code is hereby waived for the duration of the Village President's State of Emergency Declaration. The following rules for remote attendance shall apply instead:

**RULES FOR REMOTE MEETING ATTENDANCE DURING A
STATE OF EMERGENCY DECLARATION**

During the period in which a State of Emergency is and remains declared by the Village President, and in light of Governor Pritzker's Executive Order No. 2020-07 (COVID-19 Executive Order No. 5), the following remote attendance rules for the meetings of any board, commission, or committee meeting shall be as follows:

1. Members shall be allowed to participate in meetings by audio or video conference (or comparable telephonic or electronic means that allows for reasonable contemporaneous, interactive communication between members) ("Remote Attendance").

2. Meetings may be held, and a quorum of the public body may be created and shall be permitted, by means of Remote Attendance; a quorum need not be physically present at the location of an open or closed meeting.

3. Any member who wishes to be considered present at a meeting by Remote Attendance should attempt to notify the Manager/President/Chair prior to the meeting, unless advance notice is impractical.

4. The minutes of every meeting shall reflect the members physically present, absent, and present by Remote Attendance.

5. The Clerk or other party taking minutes shall be permitted to participate remotely and is authorized to record meetings as reasonably possible.

6. When reasonably safe and possible, the Village shall seek to provide video, audio, and/or telephone access to meetings to ensure members of the public may monitor the meeting and shall allow for public comment in some form, including written, when reasonably feasible.

7. When reasonably safe and possible, the Village shall update its website and social media feed to keep the public fully apprised of proposed meetings and options for public monitoring and/or comment.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment

shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage and approval.

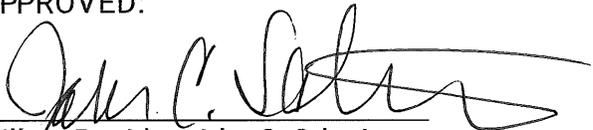
Voting Aye: Sosune, Brenner, Spella, Stegert, Jasper, Glogowski

Voting Nay: None

Absent: None

Abstain: None

APPROVED:


Village President John C. Schmitt

(SEAL)

ATTEST:  by: 
Village Clerk Gerald S. Kautz

Passed: March 17, 2020

Approved: March 17, 2020

CERTIFICATION

I, GERALD S. KAUTZ, do hereby certify that I am the duly elected and qualified Clerk of the Village of Algonquin, McHenry and Kane Counties, Illinois, and that as such Clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the President and Board of Trustees of said Village.

I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of Algonquin, held on the 17th day of March 2020 the foregoing Ordinance entitled ***An Ordinance Waiving Remote Attendance Rules for the Duration of the Local State of Emergency Declaration*** was duly passed and approved by the President and Board of Trustees of the Village of Algonquin.

The pamphlet form of Ordinance No. 2020-O-_____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the _____ day of _____, 2020, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this ____ day of _____, 2020.

Gerald S. Kautz, Village Clerk
Village of Algonquin,
McHenry and Kane Counties,
Illinois

(VILLAGE SEAL)