



April 16, 2020

Executive Order 2020-1

**EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 2)**

WHEREAS, in December 2019, a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally;

WHEREAS, COVID-19 is a novel, severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to influenza;

WHEREAS, on January 27, 2020, the United States Secretary of Health and Human Services declared the virus a public health emergency of international concern;

WHEREAS, on January 30, 2020, the World Health Organization declared the virus a public health emergency of international concern;

WHEREAS, the World Health Organization characterized the virus as a pandemic as of March 11, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency beginning March 1, 2020, in an effort to contain and mitigate the national impact of the expanding global outbreak of the virus and ordered states and hospitals to open their emergency operations centers and activate their emergency plans for the protection of our citizens;

WHEREAS, the CDC considers the potential public health threat posed by the virus to be high, both globally and in the United States;

WHEREAS, the Governor of Illinois issued a Gubernatorial Disaster Proclamation dated March 9, 2020, for the entire State of Illinois and further issued requirements for social distancing and the elimination of certain community events in the state as of March 12, 2020;

WHEREAS, on March 16, 2020, the Governor of Illinois issued an Executive Order 2020-07 in Response to COVID-19 (COVID-19 Executive Order No.5), Section 6 of which provided

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. Public bodies are encouraged to postpone consideration of public business where possible. When a meeting is necessary, public bodies are encouraged to provide video, audio, and/or telephonic 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 their activities relating to COVID-19;

WHEREAS, on April 1, 2020, the Governor of Illinois issued a second Gubernatorial Disaster Proclamation declaring all counties in the State of Illinois as a disaster area due to the COVID-19 outbreak;

WHEREAS, on April 6, 2020, the Illinois Attorney General Public Access Counselor issued an opinion (OMA Request or Review 202 PAC 62329) providing that “(a)llowing public comments to be submitted via e-mail allowed members of the public to address the substance of their comments to the Board.”

WHEREAS, despite the efforts to contain the virus, the CDC indicates that more cases of the virus are expected in the United States in the coming days, including more instances of community spread, and as the outbreak continues, widespread transmission of the virus in the United States is expected to occur;

WHEREAS, the CDC currently recommends all communities take measures to both prepare for and mitigate community transmission of the virus in the United States;

WHEREAS, certain populations are at a higher risk of experiencing more severe illness as a result of the virus including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease;

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials;

WHEREAS, the City of Oakbrook Terrace (the “City”) has taken actions to contain and mitigate the local impact of the virus outbreak and provide for the continuity of government, provide for the continuation of essential services and provide for the health and safety of all City residents;

WHEREAS, on March 24, 2020, the Acting Mayor issued *A Proclamation Declaring an Emergency and Declaring the City of Oakbrook Terrace a Disaster Area Due to the Coronavirus (Covid-19) Outbreak* that declared that a state of emergency and a disaster existed in the City;

WHEREAS, on March 31, 2020, the corporate authorities of the City approved Ordinance No. 20-07, *An Ordinance Declaring an Emergency and Declaring the City of Oakbrook Terrace*

a Disaster Area Due to the Coronavirus (COVID-19) Outbreak that declared that a state of emergency and a disaster existed in the City; and

WHEREAS, while the City is currently responding to this virus outbreak, it is necessary to provide rules by which the City Council may meet;

THEREFORE, by the powers vested in me as the Acting Mayor of the City and pursuant to Ordinance No. 20-07 declaring an emergency and declaring the City a disaster area, and Sections 30.71 and 39.02 of the Code of Oakbrook Terrace, Illinois, I hereby order that the following rules shall be in effect regarding the City Council meetings taking place during the time that the emergency relating to the Coronavirus (COVID-19) outbreak continues in the City:

Section 1: Section 30-101 and Subsection (B)(3)(a) of Section 31.20 of the Code of Oakbrook Terrace, Illinois, entitled “Attendance at City Council Meetings by a Means other than Physical Presence” and “Rules Governing the Right of the Public to Address the City Council at its Meetings,” respectively, are hereby suspended. The following are temporary rules for City Council meetings of the City in order to promote social distancing as required in the Illinois Governor’s Executive Order 2020-10 (COVID-19 Executive Order No. 8) and in accordance with the Illinois Governor’s Executive Order 2020-07 (COVID-19 Executive Order No. 5) and are hereby issued in place of Section 30-101 and Subsection (B)(3)(a) of Section 31.20 of the Code of Oakbrook Terrace, Illinois:

TEMPORARY RULES FOR THE CONDUCT OF THE CITY COUNCIL MEETINGS DURING THE CORONAVIRUS (COVID-19) OUTBREAK

1. All aldermen and City administrative staff members attending City Council meetings shall be required to attend by means of electronic attendance, including, but not limited to, a phone or computer connection unless technology, internet or telephone service available to them does not permit them to do so and/or they have made prior arrangements with the City Administrator for their physical attendance. If an alderman or City administrative staff member needs to be physically present at a City Council meeting, the alderman or City administrative staff member shall contact the City Administrator prior to the meeting so that suitable arrangements can be made for social distancing of six feet between those persons present at the meeting and limiting those present to ten persons. The Acting Mayor and the City Administrator may, but are not required to attend by means of electronic attendance.
2. The platform for electronic attendance at the City Council meeting will be arranged in advance by the City Administrator, or her designee, and will be communicated to each alderman and City administrative staff members at least 48 hours prior to the commencement of the meeting.
3. The City Administrator, or her designee, shall endeavor to provide instruction to familiarize the members of the City Council and City administrative staff members about utilizing the electronic attendance platform at the meeting.

4. The electronic platform for electronic attendance shall allow all of the members of the City Council to speak and listen simultaneously to the proceedings.
5. A quorum shall be established provided that a majority of the corporate authorities is either physically present at the location of the meeting or present by electronic attendance. A majority of the quorum attending physically or by electronic attendance shall be required to conduct business, including the approval of motions, resolutions and ordinances, unless a vote greater than a majority is required by statute or ordinance; in which case, the votes of both those members of the corporate authorities attending physically and by electronic attendance shall be called and counted.
6. In the event that an individual member of the City Council is unable to participate in the meeting or part of the meeting or does not respond to a call to a vote when that member's name is announced, that member of the City Council shall be counted as an excused absence from the meeting or vote, as the case may be.
7. The Order of Business and Rules of Procedure shall be as provided in Section 31.08 of the Code of Oakbrook Terrace, Illinois.
8. Additionally, public comments will be permitted to be e-mailed in advance of the meeting to the City Administrator, Amy L. Marrero, at amarrero@oakbrookterrace.net. Public comments received prior to 5:00 p.m. on the day of the meeting will be read aloud during the public comment portion of the meeting.
9. A notice generally in the following form shall be included on the City Council meeting agenda and posted outside of the City Council chambers or, if the meeting is held at a different location, at the location where the City Council meeting is held:

**NOTICE OF CITY COUNCIL MEETING MODIFICATION
DUE TO COVID-19**

Pursuant to Governor Pritzker's Executive Order 2020-07 which suspends the requirement of the Illinois Open Meetings Act requiring in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, the City Council will be participating in the meeting through a video and audio access using the virtual meeting platform, Zoom. The Acting Mayor and essential members of the City staff may be physically present in the City Council chambers, but pursuant to Governor's Executive Order No. 2020-10 and Center for Disease Control guidelines, no more than ten people will be allowed in the City Council chambers at any one time. Social distancing of six feet between each person will also be maintained. Anyone in excess of ten people will be asked to wait outside of the City Council chambers until the agenda item for which the person or persons would like to speak about is being discussed or until the time for public comments.

Public comments can also be e-mailed in advance of the meeting to the City Administrator, Amy L. Marrero, at amarrero@oakbrookterrace.net. Public

comments received prior to 5:00 p.m. on the day of the meeting will be read aloud during the public comment portion of the meeting. Public comments received between 5:00 p.m. and the time that public comment is called on the agenda of the meeting will be provided to the City Council as soon as practicable but may not be able to be read aloud at the meeting. Public comments will be read aloud in the order in which they were received. Written public comments will be limited to 2,500 characters each.

10. During the period ordinarily reserved for public comment, the Acting Mayor will inquire whether the City Administrator has received any public comments and ask that the public comments received be read by the City Administrator into the record in the order in which the comments were received.

11. Public comments received between 5:00 p.m. on the day of the meeting and the time that public comment is called on the agenda of the meeting shall be provided to the City Council as soon as practicable by e-mail but may not be able to be read aloud at the meeting. Any comments unable to be read due to time limits, as well as any comments read aloud, will be e-mailed to the members of the City Council, and a summary of those comments may be included in the minutes of the meeting.

12. Written public comments will be limited to 2,500 characters each.

13. Members of the City Council and the City administrative staff members are encouraged to postpone consideration of public business where possible.

Section 2: Section 30-102 of the Code of Oakbrook Terrace, Illinois, entitled “Attendance at other Public Meetings by a Means other than Physical Presence” is hereby suspended. The following are temporary rules for board and commission meetings of the City in order to promote social distancing as required in the Illinois Governor’s Executive Order 2020-10 (COVID-19 Executive Order No. 8) and in accordance with the Illinois Governor’s Executive Order 2020-07 (COVID-19 Executive Order No. 5) and are hereby issued in place of Section 30-102 of the Code of Oakbrook Terrace, Illinois:

**TEMPORARY RULES FOR THE CONDUCT OF THE
BOARD AND COMMISSION MEETINGS DURING THE
CORONAVIRUS (COVID-19) OUTBREAK**

1. All members, other than the chairman, of any board or commission of the City and City administrative staff members attending those meetings shall be required to attend by means of electronic attendance, including, but not limited to, a phone or computer connection unless technology, internet or telephone service available to them does not

permit them to do so and/or they have made prior arrangements with the City Administrator for their physical attendance. If a member of any board or commission or City administrative staff member needs to be physically present at a board or commission meeting, the member of the board or commission or City administrative staff member shall contact the City Administrator prior to the meeting so that suitable arrangements can be made for social distancing of six feet between those persons present at the meeting and limiting those present to ten persons. The chairmen may, but are not required to, attend by means of electronic attendance.

2. The platform for electronic attendance at any board or commission meeting will be arranged in advance by the City Administrator, or her designee, and will be communicated to each alderman and City staff members at least 48 hours prior to the commencement of the meeting.

3. The City Administrator, or her designee, shall endeavor to provide instruction to familiarize the members of the board or commission and City administrative staff members about utilizing the electronic attendance platform at the meeting.

4. The electronic platform for electronic attendance shall allow all of the members of the board or commission to speak and listen simultaneously to the proceedings.

5. A quorum shall be established provided that a majority of the board or commission is either physically present at the location of the meeting or present by electronic attendance. A majority of the quorum attending physically or by electronic attendance shall be required to conduct business, including the approval of motions unless a vote greater than a majority is required by statute or ordinance; in which case, the votes of both those members of the board or commission attending physically and by electronic attendance shall be called and counted.

6. In the event that an individual member of the board or commission is unable to participate in the meeting or part of the meeting or does not respond to a call to a vote when that member's name is announced, that member of the board or commission shall be counted as an excused absence from the meeting or vote, as the case may be.

7. The order of business and rules of procedure shall be as provided in the Code of Oakbrook Terrace, Illinois, or as previously adopted by rule or regulation.

8. Additionally, public comments will be permitted to be e-mailed in advance of the meeting to the City Administrator, Amy L. Marrero, at amarrero@oakbrookterrace.net. Public comments received prior to 5:00 p.m. on the day of the meeting will be read aloud during the public comment portion of the meeting.

9. A notice generally in the following form shall be included on the meeting agenda and posted outside of the location where the meeting is held:

NOTICE OF MEETING MODIFICATION DUE TO COVID-19

Pursuant to Governor Pritzker's Executive Order 2020-07 which suspends the requirement of the Illinois Open Meetings Act requiring in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, the members of this board or commission will be participating in the meeting through a video and audio access using the virtual meeting platform, Zoom. The chairman and essential members of the City staff may be physically present in the meeting room, but pursuant to Governor's Executive Order No. 2020-10 and Center for Disease Control guidelines, no more than ten people will be allowed in the meeting room at any one time. Social distancing of six feet between each person will also be maintained. Anyone in excess of ten people will be asked to wait outside of the meeting room until the agenda item for which the person or persons would like to speak about is being discussed or until the time for public comments.

Public comments can also be e-mailed in advance of the meeting to the City Administrator, Amy L. Marrero, at amarrero@oakbrookterrace.net. Public comments received prior to 5:00 p.m. on the day of the meeting will be read aloud during the public comment portion of the meeting. Public comments received between 5:00 p.m. and the time that public comment is called on the agenda of the meeting will be provided to the members of the board or commission as soon as practicable but may not be able to be read aloud at the meeting. Public comments will be read aloud in the order in which they were received. Written public comments will be limited to 2,500 characters each.

10. Prior to the meeting, the City Administrator will provide the chairman of the meeting with any public comments that have been received. During the period ordinarily reserved for public comment, the chairman read any public comments received into the record in the order in which the comments were received.

11. Public comments received between 5:00 p.m. on the day of the meeting and the time that public comment is called on the agenda of the meeting shall be provided to the members of the board or commission as soon as practicable by e-mail but may not be able to be read aloud at the meeting. Any comments unable to be read due to time limits, as well as any comments read aloud, will be e-mailed to the members of the board or commission, and a summary of those comments may be included in the minutes of the meeting.

12. Written public comments will be limited to 2,500 characters each.

13. Members of the board or commission and the City administrative staff members are encouraged to postpone consideration of public business where possible.

Section 3: If any provision of the Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued this 16th day of April 2020.

Paul Esposito, Acting Mayor of
the City of Oakbrook Terrace, Illinois

Filed in my office this 16th day of April 2020.

Michael Shadley, Clerk of the
City of Oakbrook Terrace, Cook County,
Illinois