

**DUPAGE TOWNSHIP
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 20-10**

**AN ORDINANCE
ENACTING AND ESTABLISHING A DISASTER REMOTE MEETING POLICY**

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**DUPAGE TOWNSHIP
ORDINANCE NO. 20-10**

**AN ORDINANCE ENACTING AND ESTABLISHING A DISASTER REMOTE
MEETING POLICY**

WHEREAS, DuPage Township (the "Township") is unit of local government organized under the Township Code, 60 ILCS 1/1-1, *et seq.*, and the Township Board of Trustees holds meetings as required by, *inter alia*, Section 80-10 of the Township Code, 60 ILCS 1/80-10; and

WHEREAS, the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*, permits attendance at meetings by means other than physical presence, 5 ILCS 120/7; and

WHEREAS, regardless as to whether a local or statewide disaster has been declared, Section 7 of the Illinois Open Meetings Act requires a public body to adopt rules that conform to the requirements and restrictions provided therein in order to permit attendance by means other than physical presence; and

WHEREAS, on February 18, 2020, the Township adopted Ordinance Number 20-03, an Ordinance Establishing Open Meetings Act Remote Attendance Policy for DuPage Township, which governs remote meeting attendance pursuant to Sections 7(a) through 7(d) of the Illinois Open Meetings Act, *see* 120 ILCS 120/7(a)-(d); and

WHEREAS, on March 9, 2020, Governor JB Pritzker issued a Gubernatorial Disaster Proclamation for the entire State of Illinois as a result of the COVID-19 Pandemic; and

WHEREAS, on March 16, 2020, Governor JB Pritzker issued Executive Order 2020-07 in response to the COVID-19 Pandemic; and

WHEREAS, Executive Order 2020-07 suspends the in-person attendance requirement for members of the public body and allows for remote participation, and, if a meeting is necessary, the Executive Order provides that public bodies are encouraged to

provide video, audio, and/or telephonic access to maintain openness and transparency to members of the public, and the Township has made every effort to operate necessary meetings that must be held in that capacity (*see* DuPage Township Resolution No. 20-06, passed April 14, 2020); and

WHEREAS, on March 20, 2020, Governor JB Pritzker issued Executive Order 2020-10 in response to the significant and growing outbreak of COVID-19, which was extended and modified May 1, 2020 by Executive Order 2020-32 and bans public gatherings of ten (10) persons and generally mandates that individuals “stay at home or at the place of residence” except as allowed by the Executive Order; and

WHEREAS, on April 1, 2020, Governor JB Pritzker issued a second Gubernatorial Disaster Proclamation and, on April 30, 2020, the Governor issued a third Gubernatorial Disaster Proclamation, for the entire State of Illinois as a result of the continued, exponential spread of COVID-19; and

WHEREAS, on May 29, 2020, Governor JB Pritzker issued a fourth Gubernatorial Disaster Proclamation for the entire State of Illinois as a result of the continued, albeit slowing, spread of COVID-19; and

WHEREAS, the Governor’s Executive Orders 2020-33, issued April 30, 2020, extended the effective period for both Executive Order 2020-07 through May 29, 2020, and Executive Order 2020-39, issued May 29, 2020, continued Section 6 of Executive Order 2020-07 regarding the Illinois Open Meetings Act through June 27, 2020 or until corresponding legislation (Senate Bill 2135) is enacted and takes effect, whichever occurs first; and

WHEREAS, the 101st General Assembly of the State of Illinois has passed Senate Bill 2135, which, *inter alia*, makes certain amendments to the Illinois Open Meetings Act to provide for the holding of remote meetings without the physical presence of a quorum of the

members of the public body during a period of declared disaster for the area in which the public body is located; and

WHEREAS, the Governor of the State of Illinois is imminently expected to sign Senate Bill 2135, which would then become effective immediately; and

WHEREAS, the current COVID-19 Pandemic and related Gubernatorial Disaster Proclamations and Executive Orders require modifications to public meetings to mitigate the exponential spread of the virus and the Township seeks to have the proper mechanisms in place in order to ensure continued compliance with the Illinois Open Meetings Act, State restrictions on the size and manner of public gatherings, and to ensure no interruption to the provision of essential Township services; and

WHEREAS, the Township Board find that it is in the best interests of the Township to enact an additional policy to provide for remote meetings and remote attendance at meetings during all circumstances permitted by the Illinois Open Meetings Act and any other applicable law or regulation, as may be amended, implemented, or modified from time to time.

NOW, THEREFORE, BE IT ORDAINED by the Supervisor and Board of Trustees of DuPage Township, Will County, Illinois, as follows:

SECTION 1: The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made part hereof, as if fully set forth in their entirety.

SECTION 2: DuPage Township hereby approves and enacts the following Disaster Remote Attendance Policy:

[Remainder of page intentionally left blank]

DISASTER REMOTE MEETING POLICY

I. Purpose

The purpose of this Policy is to govern the procedure by which DuPage Township may conduct open or closed meetings by audio or video conference, without the physical presence of a quorum of the Township Board, when circumstances warrant and only as authorized by Section 7(e) of the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*

This Policy shall not apply to the rules and procedures concerning requests for remote attendance at meetings as authorized by Section 7(a) through (d) of the Illinois Open Meetings Act as implemented by Township's Remote Attendance Policy (Ordinance No. 20-03), as amended from time to time.

To the extent that this Policy and rules conflict with any other rule of the Township Board, this Policy will control during a Disaster and while this Policy is activated. This Policy hereby applies to all subsidiary boards, committees, and commissions unless and until such boards, committees, and commissions adopt their own rules for remote meetings or hearings held during a Disaster and and/or pursuant to Section 2.06(g) and Section 7(e), when and if enacted, of the Illinois Open Meetings Act.

II. Definitions

"Act" means the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*

"Code" means the Township Code, 60 ILCS 1/1-1, *et seq.*

"Clerk" means the Township Clerk elected pursuant to Section 50-5(c) (60 ILCS 1/50-5(c)) of the Code

"Disaster" means: An event where the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area.

"Meeting" means any open meeting of the Township Board that is subject to the Act.

"Policy" means this Disaster Remote Meeting Policy and any modifications that may be approved from time to time.

"Remote Means" means video or audio conference.

"Supervisor" means the Township Supervisor elected pursuant to section 50-5(b) (60 ILCS 1/50-5(b)) of the Code.

"Township" means DuPage Township, Will County, State of Illinois.

"Township Board" means the Board of Trustees of DuPage Township, which consists of the Township Supervisor, and the four Township Trustees, as provided in Section 80-5 (60 ILCS 1/80-5) of the Code.

"Township Trustee" means one of the four at-large members of the Township Board elected pursuant to Section 50-40 (60 ILCS 1/50-40) of the Code.

III. Activation of Remote Meetings Policy

Open or Closed Meetings held by Remote Means, without the physical presence of a quorum of the Township Board, may be held when the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area.

Upon such a declaration by the Governor or the Director of the Illinois Department of Public Health, the Supervisor may determine that an in-person meeting or meeting conducted under the Illinois Open Meetings Act is not practical or prudent because of the disaster and may activate this Policy. Said determination shall include any specific modifications or requirements related to in-person meeting attendance as discussed further herein. Any subsequent modifications that may be necessary during the period of the Disaster may be declared by the Supervisor from time to time. The Township Board may approve, by resolution, modifications to conducting meetings under this Policy subject to the limitations of the Act and parameters of this Policy.

Once this Policy is activated, the Township Board shall convene Open and Closed Meetings subject to the parameters of this Policy and the Act for the period of the Disaster.

IV. Disaster Remote Meeting Procedures

When this Policy is activated pursuant to the above Section III, meetings shall be held as follows:

1. At least one member of the Township Board, the Township Attorney, or Chief Administrative Officer must be physically present at the regular meeting location. The Township Supervisor shall determine the official required to physically attend the meeting. All other Township Board Members may participate remotely in Township Meetings. The Township Supervisor may order some or all Trustees to participate remotely. However, the Supervisor may declare, or Township Board may resolve, that physical attendance is unfeasible due to the disaster. The Supervisor or Board are not precluded from determining a specific limit on the number of people allowed to physically attend a meeting. Such determination may be changed from time to time during the Disaster period when this Policy is activated as the Supervisor and Township Board may deem necessary and proper.
2. Meetings shall comply with any parameters or orders required by the Disaster declaration, any executive orders, rules, regulations, or any other relevant law.
3. All members of the Township Board participating at a meeting, wherever their physical location, must be verified and shall confirm that they are able to hear all other participants, all discussion, and any testimony prior to the Meeting commencing. The platform for remote or electronic attendance and

participation at the Township Board meeting will be arranged in advance by the Supervisor or his designee at least 48 hours prior to the commencement of the meeting.

4. Each member of the body participating in a meeting by audio or video conference for a meeting held pursuant to this Section is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.
5. All votes conducted while this Policy is activated shall be by roll call with each Township Board member's vote on each issue identified and recorded. No voice-votes for routine, procedural motions or otherwise are allowed.
6. A verbatim record, in the form of an audio or video recording, shall be kept of both Closed and Open Meetings conducted while this Policy is activated. Verbatim records of Open meetings shall be made available to the public and all verbatim records remain subject to Section 2.06 of the Act. In addition to a verbatim record, minutes shall be kept and approved by the Township Board as is done for any other Open or Closed meeting.
7. When circumstances warrant and allow one or more Township official to be physically present at the regular meeting location, the following rules shall apply:
 - a. The number of persons admitted to physically attend an Open Meeting may be limited based on the nature of the Disaster and any such limitations shall be stated on the Meeting Notice as discussed herein.
 - b. The first persons to be admitted to DuPage Township Board of Trustee Meetings will be its elected and appointed officers choosing or otherwise required to attend in person. If the in-person attendance maximum is not met, the next person(s) to be admitted shall be one member of the Associated or Local Press. To ensure eligibility for entry, the member of the Press must email Township Clerk, Kulsum Ali, at kali@dupagetownship.com. The first email received will determine the Press member admitted to any DuPage Township Board of Trustee meeting held during the Disaster period where this Policy is in place. Thereafter, if the in-person attendance maximum is not met, members of the public shall be admitted. Admittance will be determined by which member of the public emails Township Clerk, Kulsum Ali, at kali@dupagetownship.com and requests admittance on a first-come, first-serve basis. If no person requests admittance via email, admittance shall be granted on a first-come, first serve basis.
 - c. At the meeting, persons attending in-person shall comply with any applicable health or other requirements that may be ordered.
 - d. Members of the public attending in-person at the regular meeting location of the Township must be able to hear all discussion and testimony and all votes of the Township Board.

8. When in-person attendance at the regular meeting location is not feasible, in whole or in part, due to the disaster, the Township shall make alternative arrangements, and provide notice of such alternative arrangements on the Meeting Notice, as discussed herein, whereby the members of the public must be able to contemporaneously hear all discussion, testimony, and roll call votes. Such alternative access may include, but is not limited to, offering an alternative physical location with a video and audio feed of the meeting, a telephone conference number, or a web-based access link.
9. In addition to providing any in-person comments when feasible to do so, any person desiring to make public comment may also email their public comment to Township Clerk, Kulsum Ali, at kali@dupagetownship.com by 4:00 p.m. on the day upon which the Township Board holds a meeting during the time when this Policy is activated. Public Comments received by email will be read during the public comment section and will be noted in the meeting minutes. Emailed public comments must be limited to 200 words, must identify the commenter, and are limited to one (1) comment per person. If the remote meeting platform allows for live public comment, then the rules applicable to public comment with respect to length and number of comments shall be applicable thereto. Nothing herein shall allow members of the public to speak, interrupt the proceedings, or otherwise attempt to conduct Township business unless otherwise recognized and allowed by the Township Board.
10. All persons unable to attend a meeting in-person or by the alternative arrangement, and who desire to know if action was taken on an agenda item by the Supervisor and Board of Trustees for DuPage Township may contact Township Clerk, Kulsum Ali, at kali@dupagetownship.com the following day or thereafter.
11. Except in the event of a bona fide emergency, 48 hours' notice shall be given of a meeting to be held pursuant to this Policy. Notice shall be given to all members of the public body, shall be posted on the website of the public body, and shall also be provided to any news media who has requested notice of meetings pursuant to subsection (a) of Section 2.02 of the Act. The Meeting Notice shall include any modifications and/or restrictions to public attendance, shall include any alternative arrangements to access the meeting, shall include the information concerning submission of public comments, and shall include any and all such other rules or modifications to the meeting rules as determined by the Supervisor and Township Board. In addition to the Meeting Notice, the Township shall endeavor to publicize the alternative arrangements to access the meeting on the Township's website and/or social media channels. In the event of a bona fide emergency declared by the Township:
 - a. Notice shall be given pursuant to subsection (a) of Section 2.02 of the Act, and the Supervisor shall state the nature of the emergency at the beginning of the meeting; and

- b. The public body must comply with the verbatim recording requirements set forth in Section 2.06 of the Act.

V. Applicability

If any provision of this Policy conflicts with any provision of the Act, the provisions of the Act shall prevail.

VI. Effective Date & Sunset

This Policy becomes effective upon approval of the Ordinance by a majority of the Township Board. This Policy shall be implemented, to the extent allowed, required, and able, prior to the enactment and effective date of Senate Bill 2135 (101st General Assembly).

If Senate Bill 2135 (101st General Assembly) is not enacted by December 31, 2020, this Policy shall automatically be repealed and deemed null and void without further action by the Township Board.

VII. Availability of Policy

The Policy shall remain on file together with the Ordinance of the Township Board approving this Policy.

VIII. Amendments

This Policy may be amended by a majority vote of the Township Board at any time.

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SECTION 3: The Township Supervisor hereby determines and expressly finds, and the Township Board for DuPage Township, Will County, State of Illinois hereby approves, that during the period which the Gubernatorial Disaster Proclamation related to the COVID-19 Pandemic (or any continuation or modification made thereto) is in effect and where such Proclamation or any other Executive Order has expressly limited the number of persons permitted to gather in a single space, that an in-person meeting or meeting conducted in strict compliance with the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*, is not practical or prudent because of the declared disaster in the area encompassing DuPage Township. Therefore, the DuPage Township *Disaster Remote Meeting Policy* shall be **activated immediately** upon the adoption of this Ordinance and this Section shall constitute the head of the public body's determination that an in-person meeting or meeting conducted under the Act is not practical or prudent because of a disaster. Said Policy shall remain activated until such time until the Gubernatorial Disaster Proclamation regarding the COVID-19 Pandemic, and any continuations and extensions thereof, has expired or as otherwise determined by the Township Supervisor.

Furthermore, the Township Supervisor hereby expressly finds, and Township Board hereby approves, that in-person attendance at the regular meeting location is not feasible, in whole or in part, due to the nature of the disaster, and the Township shall make alternative arrangements (as defined in the Disaster Remote Meeting Policy), and shall provide notice of such alternative arrangements on the Meeting Notice whereby the members of the public must be able to contemporaneously hear all discussion, testimony, and roll call votes.

SECTION 4: If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

SECTION 5: All ordinances, resolutions, motions, or order in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect immediately upon its passage, approve, and publication as provided by law due to the urgent nature of this matter.

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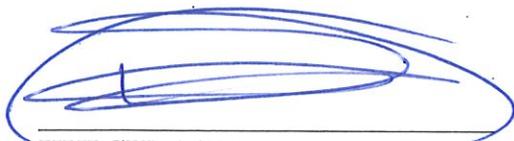
ADOPTED by the Supervisor and Board of Trustees of DuPage Township, Will County, Illinois this 16th day of June, 2020, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Trustee Benford	✓			
Trustee Oliver			✓	
Trustee Burgess			✓	
Trustee Raga	✓			
Supervisor George	✓			
TOTAL:	3	0	2	0

APPROVED at a Regular Meeting of the Board of Trustees of the DuPage Township, on June 16, 2020.


FELIX GEORGE, Township Supervisor

ATTEST:


KULSUM ALL, Township Clerk