

RESOLUTION CONCERNING THE VILLAGE OF BARRINGTON HILLS REOPENING PLAN IN RESPONSE TO THE ECONOMIC EMERGENCY RESULTING FROM GOVERNOR PRITZKER'S COVID-19 RELATED STAY AT HOME EXECUTIVE ORDERS

WHEREAS, the Board of Trustees of the Village of Barrington Hills (VBH) is concerned for the health and well-being of everyone who lives in, works in, worships in or visits the Village of Barrington Hills and recognizes the need for enhanced safety precautions to protect the public health during these unprecedented times; and

WHEREAS, the reason the State of Illinois issued a "Stay at Home" order was to flatten the curve to ensure that our healthcare system was not overburdened, and to limit the number of preventable deaths; and

WHEREAS, in our region we have flattened the curve, and our hospitals are not overrun and have had to furlough medical staff; and

WHEREAS, the hospitals furloughing staff and not performing preventative and elective procedures is detrimental to the economic health of our healthcare system; and

WHEREAS, the protection of the general welfare and the right to work, live, worship, and recreate is of high concern to the Barrington Hills Board of Trustees; and

WHEREAS, the Village of Barrington Hills has limited retail businesses; and

WHEREAS, the majority of those businesses are already deemed essential and have been, and remain open following CDC recommended safety protocols; and

WHEREAS, the Village of Barrington Hills has approximately 4,200 residents spread over 30 square miles; and

WHEREAS, the Village desires to allow businesses, houses of worship and other organizations to voluntarily reopen, in their individual respective determination, following CDC guidelines, focusing on keeping their staffs and the public as safe as possible; and

WHEREAS, the Village President and Board of Trustees has determined that it is in the best interest of the community to reopen; and

WHEREAS, the Village is not mandating participation or compliance with this resolution on individuals, businesses, religious institutions and/or other entities. Entities should independently evaluate any liability that may arise from reopening with the understanding that the Village Government is not the sole and final authority as it moves to deal with this crisis. Each person and organization needs to make an independent determination of whether or not they should reopen or whether they should no longer shelter in place; and

WHEREAS, protecting the health, safety and welfare of the residents of Barrington Hills is among the most important functions of the government of Village of Barrington Hills government; and,

WHEREAS, the Board of Trustees of the Village of Barrington Hills, using publicly available science, data and modeling now knows COVID-19 effects are heavily concentrated in older citizens and those with known comorbidities, and strongly encourage individuals and families who are most at risk

to take measures to protect themselves, including extending their self-isolation, maintaining their social distancing, and following CDC recommendations until effective treatments are proven and widely available as vaccines are being developed; and

WHEREAS, the Board of Trustees of the Village of Barrington Hills, 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; and

WHEREAS, the Board of Trustees of the Village of Barrington Hills, strongly encourages everyone, whether they are acting as individuals, as families, religious institutions or as businesses to recognize two critical facts about their role in controlling the spread of COVID-19 and any future virus 1) it is incumbent on them to follow the CDC guidelines to protect themselves and the people they are in contact with; and 2) its not just about them, its about their individual actions helping our community, our state and our nation to get through this pandemic; 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; 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 are both likely prohibited under the IEMAA and constitute an impermissible unfunded mandate under the State Mandates Act; and

WHEREAS, the phases of the “Restore Illinois” plan provide that commerce, schools, and other functions will slowly be allowed to reopen along a five-phase progression as the threat presented by the COVID-19 pandemic subsides; and

WHEREAS, the “Restore Illinois” plan places the Village of Barrington Hills in the Northeast Region, which includes the City of Chicago, Cook Connty, and the collar counties; and

WHEREAS, under the “Restore Illinois” plan, the gradual re-opening of Barrington Hills businesses and religious institutions is dependent on the number of cases in the Northeast Region, including in the City of Chicago, being brought under control; and

WHEREAS, instead of health regions, the State of Illinois should draw regional boundaries based on hospital capacity or the Illinois Emergency Response Regions rather than the Illinois Department of Public Health regions; 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, the Illinois Department of Public Health was not prepared for a pandemic and did not to maintain a sufficient stockpile of Personal Protective Equipment (“PPE”) and emergency medical supplies; and

WHEREAS, the State of Illinois has failed to adequately protect long term care facilities that represent over 48% of deaths related to COVID-19 in Illinois as of May 9, 2020; and

WHEREAS, many local businesses, religious institutions and hospitals 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 of Barrington Hills' residents; and

WHEREAS, the general assembly has not yet convened and provided representation to the Barrington Hills residents it is incumbent upon the Board of Trustees to provide representation and direction; and

WHEREAS, the General Assembly has not taken legislative action of any kind in relation to the COVID-19 pandemic, having been in recess since March 5, 2020; and

WHEREAS, the residents of the Village of Barrington Hills have been without representation at the State level in Springfield since the beginning of the COVID-19 pandemic; and

WHEREAS, the Illinois General Assembly has announced an intention to reconvene in Springfield on May 20, 2020; and

WHEREAS, the Village believes it to be in the best interests of itself and its businesses, religious institutions and residents that the Illinois General Assembly take legislative action regarding the COVID-19 pandemic, including clarifying the Governor's authority to act, providing for more local, targeted public health measures for the control of COVID-19, and providing for the Village to be able to resume business activities by June 1, 2020; and

WHEREAS, it is critically important to protect the vulnerable populations, including people over 60 and individuals with underlying health conditions; and

WHEREAS, the stress and economic harm caused by the stay-at-home order also affects the physical and mental health of the residents of the Village of Barrington Hills and may lead to increases in suicides, physical abuse, and addiction; and

WHEREAS, without immediate action, the Village of Barrington Hills, its residents, its businesses, religious institutions and taxpayers will suffer catastrophic economic harm; and

WHEREAS, if the legislature fails to act, the Village of Barrington Hills believes that resolving these controversies by bringing them before a court will provide clarity to the Village of Barrington and to the residents, businesses, religious institutions and taxpayers of the Village of Barrington Hills and will benefit the economic, physical, and mental health of the residents and taxpayers of the Village of Barrington Hills.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Barrington Hills, located in the Counties of Cook, Kane, Lake and McHenry, Illinois, as follows:

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

SECTION TWO: The Village President and the Board of Trustees of the Village of Barrington Hills urge the General Assembly to take the following action during its legislative session:

- a. Clarify the Governor's authority to act under the Illinois Emergency Management Act; and
- b. Provide for the reopening of businesses and civic life, with reasonable and specifically targeted public health guidelines, by June 1, 2020; and
- c. Provide for the drawing of regional boundaries based on hospital capacity or Illinois Emergency Response Regions rather than the Illinois Department of Public Health regions; and
- d. Afford adequate due process for any municipal corporation, any individual resident of the State of Illinois and/or any business in the State of Illinois to appeal any stay-at-home restrictions or shut-down order based on their individual circumstances; and
- e. Recognize that current "Restore Illinois" metrics would individually place the Village of Barrington Hills in Phase V, not in Phase II as currently categorized; and
- f. To expand local control over decision making for COVID-19.

SECTION THREE: The Village President and the Board of Trustees of the Village of Barrington Hills hereby authorize the immediate commencement of research by the Village Staff and Village Attorney regarding current status of legislation, other active or pending litigation by individual units of government or bodies that represent multiple local governments, and create detailed options for the Village to join existing litigation or start separate litigation. The research and options are to be presented at the first board meeting in June, 2020.

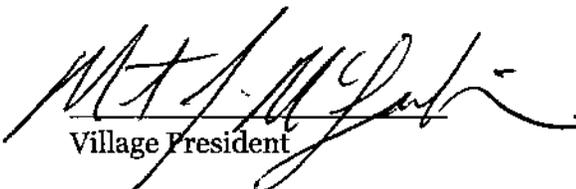
SECTION FOUR: The various provisions of this Resolution are to be considered as severable, and if any part or portion of this Resolution shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution.

SECTION FIVE: This Resolution shall take effect immediately upon its passage and approval as provided by law.

Ayes: 7 Nays: 0 Absent: 0

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 19th day of May, 2020.

APPROVED:


Village President

ATTEST:


Village Clerk