



# WAUKEGAN

City of Progress *Illinois*

**Sam Cunningham, Mayor**  
Janet E. Kilkelly, City Clerk  
Dr. John R. Schwab, Treasurer

**RECEIVED**  
**Office of the Mayor**

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April 17, 2020

APR 17 2020

**WAUKEGAN CITY CLERK**  
**JANET E. KILKELLY**

Waukegan Emergency Order  
2020-EO-15

**CITY OF WAUKEGAN, ILLINOIS**  
**MAYORAL EMERGENCY ORDER POSTPONING WAUKEGAN CITY COUNCIL MEETING OF**  
**APRIL 20, 2020 AND ALTERING WAUKEGAN CITY COUNCIL RULES FOR APRIL 23,**  
**2020 COUNCIL MEETING**

WHEREAS, On March 9, 2020, the Governor of the State of Illinois issued a Gubernatorial Disaster Proclamation with respect to the ongoing spread of COVID-19; and

WHEREAS, On March 11, the World Health Organization categorized this outbreak of COVID-19 as a pandemic; and

WHEREAS, pursuant to the Gubernatorial Disaster Proclamation, I, Samuel D. Cunningham, Jr., Mayor of the City of Waukegan, issued a Mayoral Declaration of Emergency relating to this outbreak of COVID-19 on March 14, 2020, which declaration was subsequently ratified by an Ordinance adopted by the City Council of Waukegan on March 16, 2020, and extended by City Council Ordinance on April 9, 2020; and

WHEREAS, pursuant to these emergency declarations, the Mayor has been granted full emergency authority provided by law, including, but not limited to, those powers designed in 65 ILCS 5/11-1-6, and the Illinois Emergency Management Act 20 ILCS 3305; and

WHEREAS, it is necessary and appropriate for the City of Waukegan to immediately take all appropriate, reasonable and necessary measures available to it to protect the public's health in response to the COVID-19 outbreak; and

WHEREAS, On March 16, 2020, the Illinois Governor issued Executive Order 2020-07, which included provisions suspending those portions of the Open Meetings Act which require in person attendance by members of the City Council, encouraging non-essential meetings be postponed, and "[w]hen 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"; and

WHEREAS, on March 20, 2020, the Illinois Governor issued Executive Order 2020-10, commonly referred to as the "stay-at-home order," which included Section 1.3 banning all gatherings of ten (10) persons or more; and



WHEREAS, in consideration of the Illinois Attorney General and Public Access Counselor's interpretation memo, entitled "Guidance to Public Bodies on the Open Meetings Act and Freedom of Information Act during the COVID-19 Pandemic," issued to address and interpret these executive orders and statutes, and providing balancing of the serious public health threats against the objectives of transparency; and

WHEREAS, the City recognizes the limitations of currently available hardware and software, while continuing to make the meetings of its Corporate Authorities more accessible even prior to this public health emergency; and

WHEREAS, the Meeting of the City Council currently scheduled for April 20, 2020 will occur before the expiration of the current stay at home order set to expire April 30, 2020; and

WHEREAS, the City of Waukegan has furloughed all non-essential staff and is operating with minimum essential staffing, pursuant to previous Mayoral Emergency Orders, with the hope that full staffing can return by May 1, 2020; and

WHEREAS, reasonably prudent guidance and understanding of this Crisis leads the Corporate Officers of the City of Waukegan to believe that such orders shall not be lifted on or before the scheduled April 20, 2020 meeting, and guidance will otherwise remain substantially similar with respect to gatherings and social distancing restrictions;

**THEREFORE, in further exercise of the Emergency Authority granted to me, I, Samuel D. Cunningham, Jr., Mayor of the City of Waukegan DO HEREBY ORDER as follows:**

**Section 1.** The regular City Council meeting scheduled for April 20, 2020 at 7:00 pm is hereby rescheduled to April 23, 2020 at 5:00 pm.

**Section 2.** No members of the public shall be present in the City Council Chambers during the rescheduled meeting, and City Hall will remain closed to the general public. The City Council meeting shall take place entirely remotely via a publicly accessible live-stream. The live-stream details shall be made available to the general public not less than 48 hours prior to the meeting, and shall be live streamed.

**Section 3.** In order to minimize the impact of these rules, and to keep the meetings as short as possible. all non-essential City business shall not be placed on the agenda, and shall



otherwise be held until further Emergency Order or the gubernatorial Declaration of Emergency expires, whichever comes first.

**Section 4.** The City Council Agenda and as many substantive documents as possible to be discussed at the April 23, 2020 shall be posted by the City Clerk not later than close of business on April 20, 2020 so as to afford the public the maximum time to review and comment on any item appearing on said agenda.

**Section 5.** In order to comply with the requirements of 5 ILCS 120/2.06(g), and the requirements of 65 ILCS 5/8-2-9, and in keeping with the Executive Orders recited above, and in furtherance of protecting the public health, taking into consideration the available technology, hardware and software, as well as the likely difficulties reasonably anticipated of the public to participate remotely, public comment will be limited to pre-submitted communications filed with the City Clerk. Any member of the public wishing to make comments, must submit such comments in writing, or by audio or visual recording, to the City Clerk (if via email it must be sent to [cityclerk@waukeganil.gov](mailto:cityclerk@waukeganil.gov)) not later than 4:00pm on April 23, 2020. The Clerk shall play or read into the record any and all such comments received. Any comments received that would take an ordinary person more than 3 minutes to read shall be summarized so as to keep them under 3 minutes per commenter, and all comments will be posted in their entirety on the City's website and circulated to the Aldermen.

**Section 6.** If the City's Declaration of Emergency, and the Governor's Stay-at-Home Order, and Executive Order 2020-07 are lifted prior to April 26, 2020 than these rules shall be null and void.

**Section 7.** This Order shall be promptly filed with the Clerk of the City of Waukegan, and shall be posted on the City of Waukegan's website and anywhere Agendas are generally posted.

**Section 8.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.



**Office of the Mayor**

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**IT IS SO ORDERED:**

Dated this 17th day of April 2020.

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SAMUEL D. CUNNINGHAM, JR.  
Mayor, City of Waukegan, Illinois

ATTEST:

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JANET E. KILKELLY  
Clerk, City of Waukegan, Illinois