

PROCEEDINGS OF THE COUNTY BOARD

AT A SPECIAL MEETING OF THE COUNTY BOARD MEMBERS OF CHRISTIAN COUNTY ILLINOIS, BEGUN AND HELD AT THE CHRISTIAN COUNTY COURTHOUSE IN TAYLORVILLE, ILLINOIS, AND BY TELECONFERENCE ON **May 19, 2020**

ATTEST: MICHAEL C. GIANASI, COUNTY CLERK

The following proceeding had and entered at large upon the records of said Board, which is done accordingly in the following words and figures to wit;

In accordance with Executive Order 2020-07, issued by Governor JB Pritzker, this County Board meeting is being conducted by teleconference with remote participation by County Board members.

Chairwoman Becky Edwards called the meeting to order at 12:00 p.m.

This Special County Board meeting was requested by board members Molly Alaria, Venise McWard, Dale Livingston, Brian Wilbur, Matt Wells, and Ray Koonce.

ROLL CALL

The roll call by County Clerk Michael Gianasi showing all members present did signify a quorum and was declared.

DISCUSSION ABOUT REOPENING THE COUNTY

Chairwoman Becky Edwards began the discussion by explaining the county has no jurisdiction over the cities of Taylorville, Pana, or any of the villages. Only the unincorporated areas of the county are under the Board. Chairwoman Edwards then asked the members who called the meeting why they think we have the right to tell the people what they can or cannot do.

Continuing on, Becky confirmed that the following people were connected: Dr. Cunnington, Chairman of the Board for the Christian County Health Department; Greg Nimmo, Director of the Christian-Montgomery Emergency Management Agency; Mike Havera, Christian County State's Attorney; Cliff Kosoff, of O'Halloran Kosoff Geitner & Cook, LLC; and Denise Larson, Christian County Health Department Administrator.

Dr. Cunnington spoke about the steps taken to control the spread of the virus and concerns of moving too quickly or skipping phases. He also explained the role of the health department and advised that everyone follow the reopening plan developed by the Illinois Department of Public Health. Greg Nimmo spoke about coordinating resources in the response to the COVID-19 outbreak. He said many discussions are about health versus money but then said he believes they should be about safety and security versus balance. He continued by saying that working together we can come up with a good, safe, secure plan to find balance and get people back to work. He then stated that the business ordinance would only add to the confusion of the public because individuals add business owners would still be responsible for their actions. He ended by saying the goal is to educate people and get them through this situation. Mike Havera spoke next about three options: proclamation, public statement or recommendation, and reopening plan. His position is to inform the board of the legal issues with each option. He reiterated the board action would not apply within any city, town or village in the county. The Illinois Department of Health has enforcement authority and can investigate to have professional, liquor, and gaming licenses revoked. The board should be careful not to mislead the public and make the situation worse. Individuals should consult their own attorneys and insurance companies prior to opening. He stated that ultimately, courts would decide the issue of who has governmental powers to regulate business during the pandemic. Lawsuits against the county could be possible if a business reopens by relying on county board action and loses a state-issued license.

Board member Molly Alaria called upon Venise McWard to read the proclamation and Venise McWard read the proclamation for all to hear:

Proclamation

Christian County, Illinois Return to Work

WHEREAS, the Governor of State of Illinois Executive Order 2020-10 has continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through May 30, 2020; and

WHEREAS, the health and wellbeing of the citizens of Christian County remains a constant concern for all officials of Christian County and continued prudent self-protection and temporary safeguards are warranted.

WHEREAS, the rate of infection, illness and mortality has proven to be consistently lower in less populace, rural, downstate counties; and

WHEREAS, the Governor of the State of Illinois Executive Orders, while exercising an abundance of caution with regard to controlling the spread of COVID19, have had significant and potentially long-lasting negative impact on the economy of Christian County; and

WHEREAS, the ongoing restrictions on business threaten the livelihood and economy of Christian County residents; and

WHEREAS, each business and organization remains responsible for their own compliance with Illinois State regulating bodies and are wholly responsible for their own liability in conducting business, and

WHEREAS, the churches in Christian County may continue activities, and

WHEREAS, the Christian County Courthouse will remain as by appointment only upon the Sheriff's discretion, and

FURTHER, the Christian County Board, in concert with the Christian County Health Department, shall monitor the continued COVID crisis and its impact on the county.

So says the Christian County Board on the 19th day of May 2020.

Venise McWard called for a roll call vote and was seconded by Molly Alaria.

Discussion:

Matt Wells stated the board has no authority over the municipalities. He then asked State's Attorney Havera whether the proclamation would break the law or endanger the county in any way. State's Attorney Havera asked Cliff Kosoff, managing partner with O'Halloran Kosoff Geitner & Cook, LLC, and general counsel for the Illinois Counties Risk Management Trust, to respond. Mr. Kosoff explained what ICRMT is and how Christian County is part of the group and the legal assistance provided to Christian County. Mr. Kosoff explained that the Governor's authority came from the Illinois Emergency Management Act and did not know of any provision in the Act or in the Illinois Constitution that would allow a county to enact or proclaim a less restrictive plan than what was contained in the Governor's order. Mr. Kosoff had some concerns with the wording of the proclamation that might expose the county to some liability. He continued by warning that a business owner that accepts the proclamation as authority to defy the Governor's order could potentially jeopardize the insurance coverage of the county. Chairwoman Edwards asked if the board members could be liable and Mr. Kosoff said that question should be left to the State's Attorney. Board member Ray Koonce next stated that the proclamation says the businesses are responsible for their own liability and it is not a directive to open or not to open. Ray continued by stating an executive order is not a law and the Illinois Department of Public Health has not met the requirements of 20 ILCS 2305/2 (c). The Department of Justice website describes if the civil rights of business owners are violated that it is a violation of Federal law and will be prosecuted. Ray said the meeting was called because he swore an oath to defend the Constitution of the United States and anyone else who swore an oath and cannot defend the Constitution does not need to be in public office. Ray called for the roll call vote and Matt Wells was concerned the vote would be taken without the public allowed to speak. Board members Brian Wilbur and Craig Corzine agreed that they would like to hear from the public before the vote.

PUBLIC COMMENTS

Several members of the public made comments over the phone. State's Attorney Havera discussed prosecutorial discretion in response to a question from the public. Board member Vicki McMahan asked the State's Attorney to clarify what actions might result in prosecution. Dr. Cunnington commented on what the health department response would be depending on the situation. Sheriff Bruce Kettelkamp said the enforcement of the Governor's order would be by the health department and not the Sheriff's department. Cliff Kosoff responded to a question

stating Cook county is not part of the same insurance pool as Christian county. He also stated that enforcement by the Sheriff's office or State's Attorney would not affect the county's insurance. Chairwoman Edwards made a final statement about her unhappiness with the Governor's rules and also clarified that the meeting agenda said this county board shall discuss reopening in Christian County. County Clerk Michael Gianasi received two email public comments prior to the meeting and read each into the record.

Previously, Venise McWard called for a roll call vote and was seconded by Molly Alaria, to adopt Proclamation - Christian County, Illinois Return to Work. A roll call vote being called upon polled the following: Ray Koonce, Dale Livingston, Mike McClure, Vicki McMahan, Venise McWard, Phil Schneider, Matt Wells, Brian Wilbur, Molly Alaria, Tim Carlson, Craig Corzine, Charles DeClerck, (12) aye; Clark Pearce, Linda Curtin, Becky Edwards, (3) nay; Donna Hibbetts, (1) absent; The motion carried.

ADJOURNMENT

*With no other unfinished business to come before the Board, a motion was made by Mike McClure and seconded by Ray Koonce to adjourn until **Tuesday, May 19, 2020** for the regular County Board meeting at 6:30 p.m. The motion carried.*