

VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orlandpark.org

Resolution No: 2136

File Number: 2022-0038

RESOLUTION OPPOSING COOK COUNTY'S VACCINATION PASSPORT MANDATE

VILLAGE OF ORLAND PARK
STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

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Resolution No: 2136

RESOLUTION OPPOSING COOK COUNTY'S VACCINATION PASSPORT MANDATE

WHEREAS, in late 2019, an outbreak of novel coronavirus ("COVID-19") occurred in China and quickly spread across the globe; and

WHEREAS, the State of Illinois has been in a continuously declared disaster due to the COVID-19 pandemic since March 9, 2020; and

WHEREAS, the Governor of Illinois has issued 96 Executive Orders in response to the COVID-19 pandemic, mandating everything from business closures to capacity limits to masking to vaccinations for Illinois residents; and

WHEREAS, on December 10, 2021, Governor Pritzker issued Executive Order 2021-32, which once again extended a mask mandate for all individuals in all indoor public places, regardless of vaccination status; and

WHEREAS, according to the Illinois Department of Public Health, over 72% of the population in Cook County is vaccinated with at least one dose of a COVID vaccine, and over 66% fully vaccinated with both doses; and

WHEREAS, despite the widespread availability of vaccines, and prevalence of vaccinations, Cook County is now in the midst of a surge of COVID-19 cases; and

WHEREAS, while information on the new Omicron variant of COVID-19 is still developing, it appears that the variant is causing a significant amount of breakthrough infections even among the vaccinated population, but the County has provided no information or data as to local death rates, hospital stays, and serious infections among the vaccinated versus unvaccinated population; and

WHEREAS, on December 23, 2021, Cook County Board President Toni Preckwinkle announced that Cook County would impose a vaccine mandate as of January 3, 2022, barring anyone eligible for the COVID-19 vaccine who elects to remain unvaccinated from entering bars, restaurants, gyms and fitness centers, entertainment venues where food and beverages are served, and sports arenas, concert venues, bowling alleys and movie theaters; without providing any data as to why these businesses are singled out among all others as businesses in which vaccine passports would be necessary; and

WHEREAS, the Board of Trustees of the Village of Orland Park cares deeply for the health and well-being of the residents of the Village and visitors to the Village; and

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WHEREAS, since the beginning of this pandemic, the Village of Orland Park has been proactive in providing assistance to its residents, businesses and visitors; and

WHEREAS, the Village of Orland Park recognizes that reasonable public health adjustments such as social distancing may need implementation in order to keep the residents of the Village safe and healthy during these unprecedented times; and

WHEREAS, the Village of Orland Park also recognizes that the public health response has fundamentally changed now that vaccines are widely available to those residents who desire to receive them; and

WHEREAS, the Village desires to act for the benefit of the health, safety and welfare of the residents of the Village, by providing public access in a safe and measured way, balancing the public health situation of the Village with the other needs of Village residents; and

WHEREAS, the original goal of the emergency orders was to flatten the curve and ensure that our hospital systems were not overwhelmed; and

WHEREAS, since these goals continue to be met, new and continuously unrealistic goals are being imposed unilaterally without legislative approval; and

WHEREAS, since the beginning of this pandemic, rather than being engaged in the decision making process, local officials have been informed of these decisions via press conferences; and

WHEREAS, this lack of engagement and communication creates enormous challenges for local government bodies, and for this reason, it is critical that local officials, including members of the General Assembly, are involved in the pandemic response process.

WHEREAS, the Illinois General Assembly convened for session in 2021, during which it demonstrated that it was generally content to defer to the Executive Branch to deal with the response to the COVID-19 pandemic; and

WHEREAS, the Illinois Emergency Management Agency Act (20 ILCS 3305/7) provides that the Governor may exercise emergency powers “for a period not to exceed 30 days;” and

WHEREAS, the Illinois Emergency Management Agency Act also provides that the Act “shall not be construed to: (c) affect the jurisdiction or responsibilities of police forces, firefighting forces...” 20 ILCS 3305 /3(c);

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WHEREAS, the rights of Illinois residents under the First, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution, as well as Sections Two, Four, Five, and Twenty-three of Article I of the Illinois Constitution are being significantly abridged by the requirements imposed by Governor Pritzker, President Preckwinkle, and other leaders; and

WHEREAS, the actions taken to mandate a vaccine passport may backfire, causing a false sense of security among vaccinated individuals despite breakthrough infection being prevalent with the spread of the Omicron variant; and

WHEREAS, the announced actions of a vaccine passport, being imposed after the new year when holiday gatherings have already occurred, is not reasonably related to responding to the actual crisis, which is clearly already present; and

WHEREAS, the announced action, which affects only certain businesses, is not reasonably related to curbing the spread of COVID-19 and will continue to cause a devastating impact on those businesses without cause; and

WHEREAS, enforcement of the previous mandates has fallen haphazardly on units of local government without thought to organization, funding, and distraction from their core missions of serving and protecting their local residents; and

WHEREAS, there has been no announced enforcement mechanism of this current mandate; and

WHEREAS, the Illinois General Assembly, as a representative body, has the power and responsibility to take up these issues and legislate on behalf of the residents of Illinois in collaborative response to the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED, by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION I

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

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SECTION 2

The Village President and Board of Trustees of the Village hereby call for the Illinois General Assembly to end its abdication of responsibility and reconvene to address the health, safety and welfare of Illinois residents in light of COVID-19 by exercising their valid authority to legislate in those areas.

SECTION 3

The Village President and Board of Trustees of the Village call for the General Assembly to ban mandatory vaccination passports to access businesses and other places of public assembly.

SECTION 4

The Village President and Board of Trustees of the Village call for the General Assembly to reexamine the announced Cook County Vaccination Passport Mandate for its legitimacy and enforceability.

SECTION 5

The Village President and Board of Trustees of the Village calls for the General Assembly to afford adequate due process for any municipal corporation or any individual resident of the State of Illinois or any business in the State of Illinois to appeal any vaccination passport requirements.

SECTION 6

The Village President and Board of Trustees of the Village re-state that it is the policy of the Village not to take enforcement action in furtherance of the mitigations set forth in the announced action taken by Cook County Board President Toni Preckwinkle, because the provisions of the announced action violate the rights of Village residents without being fact-based, necessary mitigation.

SECTION 7

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.

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SECTION 8

All ordinances, resolutions, motions or parts thereof in conflict with this Resolution shall be and the same are hereby repealed to the extent of such conflict.

PASSED this 28th day of December, 2021

/s/ Patrick R. O'Sullivan

Patrick R. O'Sullivan, Village Clerk

Aye: 6 Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Radaszewski, and Village President Pekau

Nay: 0

Absent: 1 Trustee Riordan

DEPOSITED in my office this 28th day of December, 2021

/s/ Patrick R. O'Sullivan

Patrick R. O'Sullivan, Village Clerk

APPROVED this 28th day of December, 2021

/s/ Keith Pekau

Keith Pekau, Village President