

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 29 ("ADMINISTRATIVE ADJUDICATION") ARTICLE 1 ("ADMINISTRATIVE ADJUDICATION SYSTEM"), SECTION 29-1-11 ("ADMINISTRATIVE HEARINGS") OF THE OAK PARK VILLAGE CODE TO ALLOW FOR REMOTE HEARINGS

WHEREAS, State of Illinois Governor JB Pritzker issued a disaster proclamation on March 9, 2020 due to the COVID-19 disease outbreak in the State of Illinois ("Illinois"); and

WHEREAS, Governor Pritzker has issued several executive orders since March 9, 2020 regarding the COVID-19 disease outbreak and has renewed his disaster proclamation through June 29, 2020; and

WHEREAS, public health in the Village continues to be affected due to the outbreak of COVID-19 disease in the State of Illinois; and

WHEREAS, due to the COVID-19 emergency and restrictions placed on the gatherings of persons due to the emergency by Governor Pritzker, it is necessary to allow for the Village's administrative adjudication system to hold remote hearings as set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 29 ("Administrative Adjudication"), Article 1 ("Administrative Adjudication System"), Section 29-1-11 ("Administrative Hearings") of the Oak Park Village Code is amended to add the underlined language to read as follows:

29-1-11: ADMINISTRATIVE HEARINGS:

A. All administrative hearings conducted pursuant to this chapter shall be open to the public and shall be presided over by a duly appointed Administrative Law Judge who is charged with providing the parties a full and fair opportunity to be heard.

B. All administrative hearings shall be conducted on the date set for hearing. For good cause shown, a case may be continued at the discretion of the Administrative Law Judge. The purpose of administrative hearings is to provide a prompt resolution of alleged code violations. Accordingly, the grant of continuances shall be limited. Lack of preparation shall not be grounds for a continuance.

C. In-Person, Mail, Online Or Remote Hearings:

1. The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

2. ~~The Administrative Law Judge shall permit persons to contest the merits of a parking violation subject to the administrative adjudication procedures of this chapter without attending a hearing.~~ Hearings may be conducted on an in-person basis, by remote electronic means or by mail or online pursuant to section 29-2-7 of this Code, as amended. Remote electronic hearings shall be conducted pursuant to rules and regulations promulgated by the Director of the Office of Adjudication. Notice of a remote electronic hearing shall be provided to the respondent as required by this article.

3. Upon the request of any party to a proceeding or by an Administrative Law Judge, the Administrative Law Judge may order that proceeding designated to be conducted by remote electronic means shall be conducted in-person when doing so is necessary or efficient to protect the rights of any party and can be accomplished without comprising the safety of the proceedings and its participants.

D. No violation may be established except upon proof by a preponderance of the evidence, provided, however, that the original or a legible copy of the charging document, issued in accordance with the applicable provisions of this code, shall be prima facie evidence of the correctness of the facts specified therein.

E. No agent or employee of the Office of Adjudication shall represent the Village or present evidence or testimony at an adjudicatory hearing. Provided, however, documentary evidence, prepared by another Department of the Village and submitted to the Office of Adjudication, may be presented at the hearing by the Administrative Law Judge. This section does not preclude employees or agents of the Village of Oak Park, other than employees of the Office of Adjudication, from appearing at a hearing or presenting evidence.

F. Parties to an adjudicatory hearing may be represented by an attorney, present witnesses, and cross examine opposing witnesses. Parties may request the Administrative Law Judge to issue subpoenas as provided for in section 29-1-10 of this article.

G. The Administrative Law Judge may question witnesses and elicit testimony in order to determine whether the respondent is liable for the charged violation.

H. A record of all hearings shall be kept. The record shall be preserved in such form and manner as determined by the Director. Such preservation may be made by tape recording or other appropriate means. Recording by any means by any member of the public is prohibited unless expressly authorized by the Director. The record of all hearings before an Administrative Law Judge shall include: 1) a record of the testimony presented at the hearing; 2) all

documents, exhibits, and other physical evidence presented at the hearing and admitted into evidence; 3) a copy of the notice of violation and notice of hearing; and 4) a copy of the Administrative Law Judge's findings, decision, and order. Any party may request that the proceedings be taken and transcribed by a certified court reporter. The cost of the court reporter shall be borne by the party requesting the court reporter. If the Village makes a tape recording of the proceedings, the respondent may obtain a transcript at his or her own cost.

I. At the conclusion of a hearing, the Administrative Law Judge shall issue a final determination. If the Administrative Law Judge determines that the respondent is liable for the violation, he or she may impose fines, assess costs, and make all orders authorized by section 29-1-9 of this article.

J. At the conclusion of the hearing, the Administrative Law Judge shall inform the parties orally and in writing of the determination, which determination shall constitute a final determination for purposes of judicial review. The Administrative Law Judge also may dismiss the case with or without prejudice on a properly made motion by the Village.

K. Final determinations of an Administrative Law Judge are subject to review under the Illinois Administrative Review Law.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

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ADOPTED this 6th day of July, 2020, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Buchanan				
Trustee Moroney				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 6th day of July, 2020.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 6th day of July, 2020.

Vicki Scaman, Village Clerk