



Agenda Item Summary

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Submitted By

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Reviewed By

AMZ

Agenda Item Title

An Ordinance Amending Chapter 20 ("Public Health"), Article 1 ("Oak Park Department of Public Health"), Section 20-1-6 ("Authority and Duties of the Director") of the Oak Park Village Code to Permit the Public Health Director to Make Reasonable Rules, Regulations and Orders Due to the Outbreak of COVID-19 Disease

Overview

Per the motion of Trustee Walker-Peddakotla and Trustee Enyia, this ordinance is on the agenda for the November 22, 2021 meeting for consideration. The ordinance amends Section 20-1-6(BB) of the Village Code regarding the Public Health Director's emergency authority to make reasonable rules, regulations and orders due to the outbreak of COVID-19 disease. However, Section 20-1-6(Z), and other provisions contained in Section 20-1-6, grants such authority when there is an emergency in place and Illinois Governor JB Pritzker continues to declare an emergency in the State of Illinois due to the COVID-19 pandemic. The last meeting did not have this item on the agenda to renew the emergency declaration because of the latter.

Recommendation

Adopt the Ordinance.

Fiscal Impact

N/A.

Background

In general, the ordinance is designed to provide a legal framework in order to facilitate a public health response to the COVID-19 pandemic. Specifically, Section 20-1-6(Z) provides that the Public Health Director has the authority to make reasonable rules, regulations and orders due to the COVID-19 pandemic during an emergency without review by the Board of Health and approval by the Village Board. The Board adopted previous Code amendments to affirm this authority due to the COVID-19 pandemic by adopting a new subsection as part of Section 20-1-6 through November 15, 2021.

Currently, Section 20-1-6(Z) provides that the Public Health Director has the authority to "make reasonable rules, regulations and orders" in cases of an emergency. Illinois Governor Pritzker continues to declare a statewide emergency due to the COVID-19 pandemic. Without such an emergency, such rules and regulations

must be reviewed by the Board of Health and approved by the Village Board. Due to Governor Pritzker's continuation of the state-wide emergency, an argument can be made that it is not necessary to continue to amend Section 20-1-6 of the Village Code as set forth in this ordinance to provide the Public Health Director with this authority. If Governor Pritzker were to cease declaring a state-wide emergency, an assessment would need to be conducted as to whether to provide the Public Health Director continues with this authority due to emergency conditions existing in the Village due to the COVID-19 pandemic.

The State of Illinois has now moved to Phase 5 of Governor Pritzker Restore Illinois Plan which has allowed for the reopening of all sectors of the Illinois economy. Governor Pritzker issued a face covering mandate since moving Illinois to Phase 5 of the Restore Illinois Plan and the face covering mandate continues to remain in place through December 11, 2021.

Alternatives

The Board can choose to extend the emergency authorization or take no action.

Previous Board Action

On May 28, 2020, the Village Board adopted Ordinance 20-041 to amend Chapter 20 of the Village Board to provide the Public Health Director, through November 15, 2020, authority to continue to manage the day-to-day response to the pandemic from a public health perspective. On October 19, 2020, per Ordinance 20-094, this authority was extended through February 16, 2021, and was further extended through June 15, 2021, per Ordinance 21-8. The authority was finally extended through November 15, 2021 per Ordinance 21-047 adopted on June 14, 2021.

Citizen Advisory Commission Action

N/A.

Anticipated Future Actions/Commitments

Further review may be required in the future due to the course of the COVID-19 pandemic.

Intergovernmental Cooperation Opportunities

As a certified Public Health Department, Village staff works closely with the Illinois Department of Public Health and other local certified public health departments.