

**FIRST AMENDED DETERMINATION THAT IN PERSON MEETING OR MEETING  
CONDUCTED UNDER THE OPEN MEETINGS ACT IS NOT  
PRACTICAL OR PRUDENT BECAUSE OF A DISASTER**

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**WHEREAS**, on March 9, 2020 Illinois Governor J.B. Pritzker declared all counties in the State of Illinois as a disaster due to the COVID-19 pandemic, and on April 2, April 30, and May 23, 2020 restated said declaration of emergency; and

**WHEREAS**, the undersigned as Village President on March 18, 2020 issued a Declaration of Local Disaster for the Village of Bartlett; and

**WHEREAS**, on March 24, 2020 the Village Board of Trustees (the "Board") passed Ordinance 2020-21, "An Ordinance of the Village of Bartlett Ratifying a Declaration of Local State of Disaster and Continuing, Extending and Renewing the Same Pursuant to Title 2, Chapter 2, of the Illinois Municipal Code Pursuant to 65 ILCS 5/11-1-6"; and

**WHEREAS**, on March 18, 2020 Governor Pritzker issued Executive Order No. 2020-07 which suspended portions of the OMA requiring a quorum of a public body to be physically present at open meetings of a public body and allowed for conducting said meeting by electronic means, including audio or video conferencing for the length of the Governor's disaster proclamation, which arguably expired on May 29, 2020; and

**WHEREAS**, on May 5, 2020 Governor Pritzker announced his Restore Illinois: A Public Health Approach to Safely Reopening Our State (the "Restore Illinois Plan"), which includes five phases with various limitations, including an initial limitation on gathering size of 10 people or fewer; and

**WHEREAS**, on May 18, 2020, the Illinois Department of Public Health issued emergency rules in the Control of Communicable Disease Code as authorized under the Public Health Act (20 ILCS 2305/2, *et seq.*);

**WHEREAS**, on May 23, 2020, the Illinois General Assembly passed Senate Bill 2135 ("SB 2135") finding that the statewide public health emergency caused by the outbreak of COVID-19 presents an unprecedented danger to the People of the State of Illinois requiring the use of extraordinary precautions to reduce the risk of infection, causing delays in critical functions, and fundamentally altering the ways in which government must operate in order to serve the People of the State of Illinois, and amending the Open Meetings Act, 5 ILCS 120/1, *et seq.*, (hereinafter, the "Open Meetings Act"), including adding new subsection (e) to Section 7 of the Open Meetings Act, which provides in relevant part as follows:

“(e) Subject to the requirements of Section 2.06 but notwithstanding any other provision of law, an open or closed meeting subject to this Act may be conducted by audio or video conference without

the physical presence of a quorum of the members so long as the following conditions are met:

. . . “(2) the head of the public body as defined in Section 2 of the Freedom of Information Act determines that an in-person meeting or a meeting conducting under this Act is not practical or prudent because of a disaster; “ . . .

**WHEREAS**, on June 12, 2020 Illinois Governor J.B. Pritzker signed SB 2135 making it effective immediately upon said signing; and

**WHEREAS**, on June 26, 2020 Illinois moved to Phase IV of the Restore Illinois plan, which changed the limit on the size of gatherings to 50 or fewer people or 50% of the capacity of an interior gathering room;

**THEREFORE**, I, Kevin Wallace, the Village President of the Village of Bartlett, an Illinois municipal corporation of Cook, DuPage and Kane Counties, Illinois, being the head of said public body as defined in Section 2 of the Freedom of Information Act (5 ILCS 140/1, *et seq.*), pursuant to SB 2135, find that it is not practical to conduct public meetings with the Board of Trustees of six members, myself as the Village President, Village staff, members of the press and public to all be physically present at said meeting and still abide by gathering size limitations and social distancing requirements of the Restore Illinois Plan.

**I THEREFORE HEREBY FIND AND DETERMINE** that an in-person meeting conducted under the OMA is not practical or prudent because of a disaster. This finding and determination shall remain in place during the statewide public health emergency caused by the COVID-19 pandemic.

Date: July 7, 2020.

  
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Kevin Wallace, Village President

**NOTICE OF OPEN OR CLOSED PUBLIC MEETING BY  
AUDIO OR VIDEO CONFERENCE WITHOUT A PHYSICAL  
QUORUM PURSUANT TO SECTION 7(e) OF THE OPEN MEETINGS ACT**

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NOTICE IS HEREBY GIVEN pursuant to Section 7(e) of the Open Meetings Act as set forth in Senate Bill 2135 signed by Governor J.B. Pritzker on June 12, 2020, making it effective upon said signing ("SB 2135"), that the regular meeting of the Village President and Board of Village Trustees of the Village of Bartlett (the "Village Board") scheduled to be held on July 7, 2020 at 7:00 p.m. at the Bartlett Municipal Building, 228 South Main Street, Bartlett, Illinois, may be conducted by audio or video conference without a physical quorum of the members of the Village Board present because an in-person meeting is not practical or prudent due to a disaster, that being the COVID-19 pandemic and the applicable restrictions imposed under various laws, rules, restrictions, Executive Orders and/or announcements issued by Illinois Governor J.B. Pritzker and/or Ngozi O. Ezike MD, Director of the Illinois Department of Public Health, including without limitation "Restore Illinois: A Public Health Approach to Safely Reopen Our State", which currently limits gatherings to the lesser of 50 people or 50% of the capacity of the meeting room as a public health measure.

This Notice is given to members of the public body, namely, the Village President and to each Village Trustee of the Village of Bartlett, the news media who have requested notice of said meetings, and to any interested member of the public who desires to contemporaneously hear all discussion, testimony and roll call votes of the Village Board. The members of the public body, the press, and the public may attend said meeting, and have virtual access to said meeting via the Zoom conference application either by calling the following telephone conference number: 312-626-6799, or by utilizing the following Zoom conference link:

<https://zoom.us/j/93042643784?pwd=bjVrWHNFTUIRVjZEB1FqRVhpdmtnQT09>

Password: 437803 and in either case to participate you must utilize the Webinar ID 930 4264 3784. A link to said meeting is also available on the Village of Bartlett web site [www.village.bartlett.il.us](http://www.village.bartlett.il.us) and then clicking on the link for the July 7, 2020 Village Board meeting, and the link for the July 7, 2020 Committee of the Whole meeting that immediately follows the Village Board meeting, at the regularly scheduled date and time of said meeting.

Anyone who wishes to participate in the Town Hall portion of said meeting that has questions or comments should complete a public comment form before the meeting using the following link: <http://www.village.bartlett.il.us/how-do-i/sign-up-for/board-meeting-public-comment-form> .

  
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Lorna Giles, Village Clerk