



Legislative Report

By Taylor Anderson

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Spring Session Recap

IN THE EARLY MORNING HOURS of May 24th, a week prior to the originally scheduled adjournment, the General Assembly ended what is sure to be one of the strangest spring sessions in Illinois history. To say that COVID-19 had an impact on the world would be a massive understatement, its effect on every layer of our lives will take professors years to unravel. However, with the 2020 spring session in the past we can easily see some of the effects it had on the legislative process.

For instance, of the roughly 3,000 plus bills that were introduced this spring so far only twenty-two of them have passed both chambers. Obviously, the stay-at-home order prevented the General Assembly from meeting in Springfield but twenty-two bills is an absurdly low number. For comparison last year over 6,000 bills were introduced (odd number years typically have a larger volume of legislation introduced) and nearly 600 of those bills had passed both chambers by adjournment. As of now, legislators are not planning to return to Springfield (barring an emergency situation) and with Veto session scheduled for its normal six-day length, legislators could very well pass fewer than fifty bills this entire year.

In May's article the legislative working groups that were holding regular meetings were discussed. If you recall there were multiple working groups, covering various subject matters in both chambers. These working groups were largely responsible for the General Assembly's ability to finish their work so quickly. Legislators in a bi-partisan and bi-cameral fashion were able to work together and hammer out key legislative issues before returning to Springfield on May 20th. However, even then General Assembly members needed an extra day to complete their work. These working groups are also responsible for the reduction of the number of bills passed. By focusing on broad subject matters, as determined by the various working groups, large, agreed upon, omnibus pieces of legislation were able to be crafted and passed. The key part of the sentence being 'agreed upon.' Reaching agreement on omnibus legislation can sometimes take years but, fueled by the world-wide pandemic, legislators were able to find common ground. In fact there were numerous omnibus bills passed, dealing with everything from sunset extension,

education funding, to local government.

SB 2096 (now P.A. 101-0632) was the local government omnibus bill and it incorporated language suggested by TOI to help provide clarity on township annual meetings. We are grateful that legislators listened to our suggestion and input and that the Governor moved quickly to sign the bill.

Yet, even in a spring session that ended in such a unique manner it is important that we remain vigilant and mindful. Mindful of the fact that just a few short months ago several pieces of harmful legislation were introduced and had begun to make their way through the legislative process and vigilant that these harmful bills do not get resurrected should the General Assembly return over the summer or during veto session. In May, we even saw multiple pieces of legislation, discussed in the June article, put forward that would have severely impacted townships ability to provide services to constituents at the very time when many townships were stepping forwarding, providing services when they were needed the most. TOI will continue to advocate on the behalf's of townships and we thank you for the excellent work and services provided by townships in these trying times.

To find out more about specific pieces of legislation or the Fiscal Year 21 budget please check out the End of the Year Report available at TOI.org.



Emails are sent to alert our officials on pending legislation that would help or harm township government. Please make sure that if you wish to receive these alerts, our office has your correct email address. Thank you for your help!

News on the Annual Town Meeting

THE GOVERNOR HAS SIGNED HB 2096 (Public Act 101-0632) effective immediately. After discussing the new changes with our attorney, TOI offers the following best practice interpretation of the new law specific to holding the ANNUAL TOWN MEETING.

If you intend to have the Annual Town Meeting in JULY 2020, you may do so. However, there is a process you are required to follow to do so. Townships are required to seek the written approval of your Local County Health Department if having the meeting prior to the expiration of the current disaster proclamation. It is required that this be done in writing because of the social distancing requirements and records for the township.

If your intent is to follow the revised statutory requirements you are required to hold the Annual Town Meeting on the Third Tuesday following the expiration of the disaster proclamation issued by Governor Pritzker. We will publish this date on the TOI website and Facebook page after the date is determined.

If you wanted to have the meeting in July, 2020, TOI is recommending the following check list:

1. Place on a township board meeting agenda, the action item to approve holding the Annual Town Meeting on July 21, 2020.
2. Post the regular township board meeting agenda 48 hours in advance of the scheduled regular township board meeting.
3. After approval, by the township board, contact your local health department and obtain the required written approval to hold the meeting on the specific date, location, and time.
4. After approval by your local county health department, post the appropriate meeting notice. You are required to post the notice 15 days prior the scheduled event.
Remember, publishing is only required in a newspaper, IF you have a newspaper published in your township. You must post in 3 of the most public places in your township.
5. Hold the Annual Town Meeting and plan to accommodate the social distancing requirements provided by the Illinois Department of Public Health. This link <https://dceocovid19resources.com/assets/Restore-Illinois/businesstoolkits/all.pdf> provides

valuable resources to implement Phase 3 of the Governors Restore Illinois from the Illinois Department of Commerce and Economic Opportunity.

Please contact the TOI office or your township attorney if you have questions.

TOI has enclosed a few Frequently asked Questions for you in an effort to further explain these new optional and legal requirements considering the Annual Town Meeting.

Frequently Asked Questions

Does the proclamation expire automatically if the state moves to phase three of the Governor's plan?

Moving to phase three under the RESTORE ILLINOIS PLAN does not have any automatic effect on the proclamation. If fact, because the details of the plan were not placed into legislative action to become law, the guidelines required the Governor to extend executive orders. Bottom line—the existence of a proclamation is necessary for the plan to have any effect via executive orders and agency guide.

After the proclamation expires when may a TOWNSHIP schedule the Annual Town Meeting?

Townships may schedule the Annual Town Meeting the third TUESDAY AFTER the expiration of the Disaster Proclamation.

Can a township move forward under a declaration and hold its Annual Town Meeting?

If a township determines *voluntarily* to have its annual town meeting under the current declaration, they are required to secure written approval by the county health department to hold the Annual Town Meeting during subsequent disaster proclamations in effect.

Is formal action required by the TOWNSHIP BOARD to reschedule the Annual Town Meeting that was scheduled for April 14 or April 21 under Passover guidelines?

The legislation in HB 2096 permits (DOES NOT REQUIRE) a township board to postpone its annual meeting. The language of the law allows the board, rather than an individual officer or the township generally to postpone the meeting date. After an annual town meeting is postponed, then the timing of the meeting is controlled by the adopted statutory language of HB 2096.

If an Annual Town Meeting is rescheduled is the township required to RE-POST, the new meeting notices with the new date of the meeting?

Yes. The meeting posting requirements that govern the regular scheduled annual town meeting apply to all future dates established by the township to have the annual town meeting. The revised statute does not seem to offer any exception or authorization to rely on the initial publication.

Remember that Townships are only required to publish the meeting date and time in a newspaper IF one is PUBLISHED in the township. Posting in three places 15 days prior the scheduled date is required as well.

How long can a township wait to have its required Annual Town Meeting?

Although not expressly stated, it is implied that the township may wait until there is no longer a declaration

in effect. This could possibly be a considerable length of tie depending upon the length of the pandemic.

Is official action needed by the Governor's office to remove the order?

Like the disaster declaration, the executive orders automatically expire by operation of law. The duration of the executive orders is set by the disaster declaration.



SB 2135 Signed

GOVERNOR PRITZKER has now signed Senate Bill 2135 into law (now Public Act 101-0640).

The major part of this bill affecting local governments is revisions to the Open Meetings Act concerning remote attendance during a disaster declaration.

Some main points are:

1. A quorum does not need to physically be at the meeting location.
2. At least one member of the public body, chief legal counsel, or chief administrative officer must be physically present at the regular meeting place.
3. All votes held remotely shall be done by roll call vote.
4. A verbatim recording must be kept of all meetings held in this fashion.
5. If public attendance is not possible, the public must be able to hear the meeting "contemporaneously", requiring the public body to offer a telephone call in number or web link (i.e. Zoom) to hear the meeting.
6. Nothing has changed regarding Public Comment at Board meetings so this must still be a part of any meeting held.

If you have any questions, TOI encourages you to contact your township attorney.

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