

**MADISON COUNTY BOARD OF HEALTH
Special Board Meeting**

STATE OF ILLINOIS)
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COUNTY OF MADISON)

Proceedings of the County Board of Health of Madison County, Illinois, was held telephonically due to COVID-19 restrictions on May 12, 2020.

**THURSDAY, MAY 12, 2020
5:00 PM
SPECIAL SESSION**

The Board of Health met pursuant to recess taken May 8, 2020.

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The meeting was called to order by Kurt Prenzler, Chairman of the Board.

The Pledge of Allegiance was said by all members of the Board.

The Roll Call was called by Debra Ming-Mendoza, County Clerk, showing the following members present:

PRESENT: Messers. Chapman, Ms. Dalton, Ms. Dutton, Foster, Ms. Glasper, Goggin, Gray, Guy, Hankins, Ms. Harriss, Holliday, Jones, King, Kuhn, Madison, Malone, McRae, Michael, Minner, Moore, Ms. Novacich-Koberna, Parkinson, Petrillo, Pollard, Trucano, Valentine, Walters and Wesley

ABSENT: Dodd

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Public comments were received and placed on file.

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A moment of silence was taken for Al Fischer, a long-time employee of the Madison County Health Department, who passed away.

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Mr. Prenzler: Now in the meeting this evening, Dr. Lauren Hughes present again for any questions, if anyone were to have any medical questions. I do believe our director Toni Corona is on the line. We do have State's Attorney Tom Gibbons and Jeff Ezra and maybe more from the State's Attorney's Office, Tanja Cook is on the line. So, I would begin we did, of course, there was a resolution presented this past Friday, and then there was a motion to postpone that, so I would entertain a motion to approve the resolution to recommend guidelines of the responsible reopening of Madison County.

Mr. Wesley: So moved.

Mr. Walters: Second.

Mr. Prenzler: Second from Mike Walters. Any discussion?

Ms. Dalton: My question is a recommended guideline for the citizens of Madison County. Does this resolution supersede the Governor's executive order? Or are we making this recommendation as a good faith thing? Because I want people to understand that we are not overstepping what the Governor is telling us, but just recommending to the citizens.

Mr. Prenzler: Thank you, Liz. Liz called me prior to the meeting and I suggested that was a legal question, and so I'll direct that question to the State's Attorney.

Mr. Gibbons: Until a court of law tells us that the Governor's order is not lawful, one that is binding on us, so we are for better or worse stuck with it. But, that doesn't mean that this Board can't make recommendations to the public as it can. So, I would simply say that is the nature of what this resolution and the guidelines consist of.

Mr. Prenzler: I would like to just kind of jump in there, if anyone else notices, on number six it says, and I believe, State's Attorney Gibbons, this was your recommended language. This resolution makes no comment on the power of directivity, the Governor, any governmental entities outside the control of Madison County Board of Health, is that correct?

Mr. Gibbons: Absolutely correct.

Mr. Wesley: I've just got a legal question for our State's Attorney and I'm not sure if he's had a chance to address this or not. Under Section 17, of the executive order, does that limit his enforcement to this?

Mr. Gibbons: I don't know the executive orders chapter and verse, so I can't tell you what that says or means and how it relates to this.

Mr. Wesley: It's possible that it would limit his enforcement actions. I, for one, am not a lawyer, so I can't state that it does, but that'd be something for us to look into post passing.

Mr. Gibbons: This is the first time I've been asked that question, so I don't know. I haven't had an opportunity to research that but we certainly can talk about that moving forward, as well as anything else.

Ms. Glasper: Yes, thank you, Mr. Chairman and fellow Board Members. As a member of this establish County Board of Health, I support the recommendations for business owners and religious leaders that choose to reopen. I exhort them to do so responsibly and reasonably with the guidelines of public health for themselves and for the protection of all involved. This pandemic is something that I have never experienced before. It will change the lifestyle of all of us in the future. I advise everyone to be safe and take care of yourselves. Thank you, Mr. Chairman.

Ms. Novacich-Koberna: Thank you, Mr. Chairman. I just wanted to bring up a few things because I know there was an article in the BND today from the Governor and said that he would take funding away from counties that violate his orders. I know that you sent him our proposition as far as what we plan and how we plan to reopen the county step by step. But, I was hoping tonight, that we could hold this until we hear what his guidelines are, to be safe, ensure that we don't jeopardize public health, insurability, licensure, future funding for businesses and residents of Madison County.

Mr. Prenzler: Are you making a motion?

Ms. Novacich-Koberna: Well, there's already a motion on the floor and it was already voted. So now you said this is open for questions. I mean, if I can make it in the form of a motion, I will restate it in the form of a motion.

Mr. Prenzler: Well, let me just go on, I think Chris guy was next.

Mr. Guy: It's a question for the State's Attorney. Local law enforcement, cities, villages, if they enforce either the state's executive order of the Governor or ours. Will you be accepting their charges or prosecuting?

Mr. Gibbons: So, the recommended guidelines are not legally enforceable so there's no lawful basis upon which to do enforcement on the guidelines that are part of the resolution tonight. As it relates to enforcement by local departments, the State's Attorney's Office only gains jurisdiction over potential enforcement's through the Madison County Department of Health and then with the assistance of local departments. So, we will only be vested with jurisdiction if the appropriate actions are taken by the local health department to ask us to do that.

Mr. Guy: I think for all of us, this is a vote none of us ever thought we'd have to make here, this evening. So, it's something, you know, I haven't taken lightly. Most of the time we don't hear from many people or constituents so I asked Mr. Jones to split the cost with me to put out a survey throughout the county on Facebook, and we received over 3500 people, still getting feedback right now, and nearly 500 comments. The overwhelming majority is people support reopening Madison County. Of course, that's not scientific in any way, but it's important to note that I think like many of you, are hearing a lot more from people that support this than oppose it. You know, small businesses makes up 46% of Illinois' economy. They are the backbone of America, the backbone of Illinois. This is a bipartisan proposal. This is something that I just don't think can go on any longer, keeping our economy shut down. I stand in support of this resolution.

Ms. Kuhn: I wasn't sure if, Kristen, if you're voting on what her motion was but I did have a comment to make. I guess we're voting on resolution and I'd like to make that comment. There's no 100% correct answer on this issue. I really respect everyone's opinion. I've received many messages on this issue. Some people would like a no vote, I certainly respect their opinion and understand their concerns. I have received far more people requesting a yes vote. I'm voting yes today because of the following reasons. The legislators at every level of government should be the voice of the people. This is the government by the people, the legislators are employees of the people. Legislators can set guidelines, but when the people feel their voices are not being heard, our freedom really does cease to exist. I have seen large establishments with far more people gathering than before the pandemic, yet small businesses are not allowed to operate. Families are restricted on the number of people that gather, this is definitely causing deep depression, which can lead to severe health issues. People love their families so they will definitely be using common sense. I think this pandemic has instilled fear in all of us, myself included. Is it possible that this is the worst pandemic of all? I don't know. I do know this country was formed one nation under God with liberty and justice for all and that's all I have Mr. Chairman.

Mr. Moore: Thank you, Mr. Chairman. First, I really do want to thank the subcommittee and State's Attorney's Office, and others that got together this weekend to put together this revised resolution, thank you so much guys. Earlier, we were talking about sub bullet #6 that I believe the State's Attorney put in there. I must say that I am so encouraged to see this language but I would like to finish that part of that paragraph, if I could, when it talks about allowing Madison County citizens and businesses to have the freedom to responsibly reopen pursuant to local control and oversight and not to punish nearby threatened court action, removal of licenses, etc. those businesses, places of worship, and other entities responsibly reopening Madison County etc. I think it's so important that we include that language in there cause I think

it's important that we also, if we do vote to encourage reopening businesses locally, that we think about the future and we stand by those businesses and support them in case there are efforts from the state to revoke, not renew, or suspend licenses. Thank you, Mr. Chairman.

Mr. Parkinson: Yes, in reviewing this document all day long, I'm just going to go through a few points that I want to make in. In #1, hearing the Governor's call Restore Illinois, and the President's call to Reopen America, I want to say that I think this resolution does go and put forth what all of our beliefs are, is that we do need to move forward. I want to point out that the state democratic leaders have already asked Governor Pritzker to move us into phase three by Friday. That would put us directly in line with what we want to do in this resolution. But more importantly, I want to say to the public listening and the general public in Madison County, that we as a Board are all in solidarity supporting the CDC guidelines, and ensuring public safety as I've been committed to do my whole professional life, as stated in number five. As Don was just talking about in #6 of that, that if people were acting in the guidelines of the CDC, that there shouldn't be any retribution, that we all believe churches should be allowed to operate in a safe manner. I would also like to thank this committee and the State's Attorney's Office for putting forward a resolution. As stated the numbers 5, 6, and 7, no way it gives businesses the impression that they're free to open without liability for operating in a manner inconsistent with any state, federal or public health guidance, as I believe the original recommendation that was sent to us last week, and making sure that business owners, if they do open, are aware that they do take on liability and possibly sanctions by the state government and the CDC if they operate outside of those guidelines. So, with that said, I commend this committee for putting together a good resolution and I'll be voting for it.

Mr. Holliday: Yeah, I was on early but I lost communication with you guys, but I am here. On April 30 2020, the Governor extended the Stay at Home order which brought the Executive Order 2020-32. It is imperative that licensed businesses continue to abide by the business restrictions required by the order which included prohibiting the on premises consumption of food and beverage on the license premises. The commission will continue to enforce the Governor's Executive Order until the end of the disaster proclamation period even if a local official formally authorizes a licensee to violate the Executive Order. The Director of the University of Washington Institute that created our White House endorsed coronavirus model said the moves by states to reopen will translate into more cases and deaths in 10 days. The Madison County Health Department will jeopardize funding received by IDPH by not following their directives. Does the Health Department have the resources to review and enforce these guidelines? Do the local municipalities have the funds and labor to enforce these guidelines? Does opening the county increase the case of COVID-19 and death? Who will be accountable? I do not understand why our county should be defiant to the Governor's Executive Order 2020-32. What are their legal consequences if a business opens up illegally? Will they lose their state license? Will the insurance still be in effect? These are some of the issues that I see that are pertinent to the reopening of our county. Thank you, Mr. Prenzler.

Mr. Valentine: Thank you, Chairman and fellow board members. I've been thinking about this all day, and I got probably about 100 calls today from constituent's concerns. I think someone was saying earlier, most of them were saying yes, but there were some definitely concerned constituents about the safety of this matter. I am in favor of the small businesses, I understand, I empathize with them, and the dentists and the doctors and some of the very small mom and pop shops. Also in favor, I'm a church going man myself, and I'm in favor of opening the churches. But, as I said the other day, I'm really looking at the safety issue and this is going to go against the Executive Order of our Governor. I can't be in favor of it. I think we have to listen like Chris said, we have to listen to what if he's going to step down with some of the reopening things. If he's going put us in phase three, then great, then we can do this, but I would be in favor of holding off on this, because I do not want to vote against what our Governor has put forward his plan. Thank you.

Mr. Wesley: I'd like to say that I do have some concern and some compassion for those businesses that have to license their business through the state. I understand they're in a different predicament than some

other business owners, but we can't lose sight of the fact that other small businesses in this county that don't have licensing issues and don't have other issues and they need an opportunity to open up. They need for us to step up and get them back in business. Mr. Gibbons, I asked you that question earlier after I read that BND article that got me to thinking, what could the Governor do if in fact, he's threatening it in a newspaper article? So, that's why I wanted you to take a look at the section of the Executive Order and see if he really does have enforcement power, because I'm not sure he does have any enforcement power that is laid out in the Executive Order. So, that's the reason I was asking you and that's why I didn't bring this up to you earlier is because I just thought about this after reading the BND article that just came out. So, we have to get these small businesses opened up. Those that have a fear of losing their license and things of that sort, they have to make some internal decisions on the risk of that and we need to be here to help them if they do have questions, if they decide to open up.

Mr. Hankins: Thank you, Mr. Prenzler, I appreciate you letting me speak on this. First, I want to say thank you for selecting me to serve on this subcommittee. It was very refreshing to see a group of seven people work in harmony to get this resolution and guidelines where we are today. I want to thank the Madison County State's Attorney's Office, Tom Gibbons, Jeff Ezra and Tanja Cook for their dedication over the weekend. They gave us some good sound legal advice. I feel we can help some businesses and definitely help the places of worship with this. I wish we could do more for the licensed business and professionals, you know. If you go to Illinois Department of Financial and Professional Regulation, they regulate over 133 licenses in the state, that's just that one department. So, ideally, I would have liked to have submitted delegation, and like Mr. Parkinson said to the Governor, that was my first choice, the second choice would have been to file a lawsuit to get an injunction to stop it, this is my third choice and so if we do go ahead and vote tonight, I recommend *inaudible*.

Mr. Minner: Most of my questions have been asked. I'm concerned with the legal consequences that this is going to bring down on some of the businesses or maybe even the county and I'd like to find out whether the Governor's executive decree has the same power as a legislator. I found out that we'll have to have a court do this and this will take a lot more time and people are wanting to wait to open their businesses so I apparently we can't get an answer to that and so it goes to court, is that right, Tom?

Mr. Gibbons: Yes, under the laws of the United States, we have an obligation to assume that such a thing is legal until it's determined not to be. But again, that is, you know, that is aside from this particular thing, and you're right, you know how court cases go.

Mr. Minner: Oh yeah. I'd like to ask one question of Toni. Toni, can you give us an idea, are the numbers stabilizing or are they going down? I'm talking about in the last week or two.

Ms. Corona: Mr. Minner, we're continuing to see cases. If you look at the data that's on our dashboard and as well as on the Illinois Department of Public Health, you'll see that regionally, you know, our positivity is staying below the thresholds that the Governor had asked for. Today, we're at 406 cases in 33 days.

Mr. Chapman: Fellow Board Members, the COVID-19 crisis doesn't allow the executive branch of the state to revoke our God given natural rights found in the Bill of Rights. The regional plan given by the Governor, although well mean, usurps legislative powers of the state legislature and the county and municipal governments. This resolution as planned, rectifies this problem and is legal until found otherwise is my understanding. The plan and resolution painstakingly put together with bipartisan support with attorney's assistance is legally sufficient. The current regional plan seems insensitive to the special needs of Madison County, the eighth largest county in the entire state. Granite City Steel and the refineries are in danger while small businessmen, restaurants and entertainment industries languish. Without taking the initiative, we'll soon find ourselves in a great depression. We need to safely reopen Madison County following the CDC guidelines. In the phases our plan stipulate, restoring businesses and jobs to our way of

life. I think it's great that Home Depot, Target, Walmart and Lowes, and our supermarkets are doing a great business but others deserve the dignity and the satisfaction and the ability to provide for themselves. I am going to vote yes and I urge you to vote yes, also. I do have plenty to think of a second time. Can any board member burden?

Mr. McRae: Thank you. Now, first of all, I wanted to say thanks to the committee and the subcommittee who work diligently over the weekend, I really, really appreciate their efforts. I think we ought to say a special thank you to Ray Wesley and Erica Harriss, who have put in a numerous hours on this and really have really thought this thing through the process and, and so thank you so much for your efforts. I genuinely appreciate it. I also appreciate the fact that the democratic state legislators have now you know, moved this up, I think the consciousness of the Governor, and I would say it's about time. I think it's largely because we've taken the bull by the horns and brought this to public forum. I got more phone calls today and more emails than I could count and could go through and respond to. Seven of them were really compelling. People talking about having elderly parents or that they were concerned about or young children and health issues. But they said, you know what, but the greater good, there were several of them that pointed out the greater good they believe was reopening Madison County. I intend to vote yes on this and I'm excited to be a part of it. Thank you for your time and thank you, Mr. Chairman, you also should be commended. You did reach out to the Governor, you wrote a letter that I thought was nonpartisan, it was very respectful, but I think it fell on deaf ears. I think we do need to keep the momentum going and approve this tonight, thank you.

Mr. King: Yeah, there's a couple things that bothered me on this and I want to say one thing, Ray Wesley did an incredible job on this. We spent a lot hours a lot of time, Erica Harriss, Chrissy Dutton, Chris, I mentioned everybody, we put the time in on it and I thought that was very important. Did anybody think to ask US Steel or ask the refinery whether we'd be able to fit them into our resolution? Anybody think to do that before we did that? Did we make contact with them and say, hey, we were going to put you in our resolution? Did we ask them to do that?

Mr. Wesley: It's not in our resolution.

Mr. Prenzler: No, it's taken out.

Mr. Wesley: Yeah, the refineries were taken out.

Mr. Prenzler: The warrant notice is in a federal document.

Mr. King: Ok, the other thing I wanted to mention, we should have, from the get go, I believe we should have been in close contact with our mayors. I think they should have been a part of this process since the municipalities are the ones where people meet the government first. You know, we can pass all kinds of laws and do all kinds of things, but it falls upon them to take care of their communities. I see a hole there. I thought we could have reached out and not as body, but as somebody that could have led this and reached out to them and instead of going to the Governor with some vinegar, to take some sugar, because that's the way to get people to want to go along. That's all I've got to say about that.

Mr. Malone: Mr. Chairman, thank you very much. I'd like to thank all the folks that called about this today, I appreciate them taking the time. Like Mr. McRae, I couldn't possibly respond to them all, so I apologize to people who I didn't get back to. I hope we truly do have flexibility in each of those phases as it implies after each date, because I'm afraid we're going to have to tweak some of this stuff as we go along. I'll just give you one example of a call I received today from a constituent who runs a swimming pool. He says there's no way, in a swimming pool, you're going to have people follow the social distancing CDC guidelines as you go through that list. So, I think we're going to have to be prepared, and I have great

confidence in our Health Department that we'll be able to do that, we'll be able to make these tweaks as we go along because we are going to have to add some flexibility because we don't know where this is headed.

Mr. Madison: Thank you, Mr. Chairman. I want to point one thing out, there's almost 263,000 people in Madison County. Today's number of COVID-19 cases is at 446, that puts the number of people who have contracted the virus that we know of be at less than two tenths of 1%. That's how many people we know of that have contracted the virus in Madison County. We know this is going to continue for some time, we've always known that. Can you guys hear me ok?

Mr. Prenzler: Yes, we can, thank you.

Mr. Madison: We've always known that this is going to continue for a while. We thought we were being smart and flattening the curve and not over-running the hospitals, we have succeeded in not doing that. I think it's time to continue, we can all be fearful of something. Running a business is a risk in any normal everyday circumstances, there can be slip and fall offs, there can be personnel problems, there can be theft, there can be any number of variables to create risk for a business owner. This is one more. I can't believe that business owners today have to worry about the state possibly coming after you for responsibly opening up. What Mr. Chapman said was very good. I believe the American people in Madison County can make responsible decisions. I don't think we need a Governor making every decision for us. It's time that we open up. I have never received more correspondence supporting an issue than I have this issue since I've been on the County Board, it's overwhelming. There are some folks against but there are very few. I will be voting yes for this today. I would hope that our law enforcement agencies would be very lenient. I would hope our attorneys and our judges would not use this opportunity to hurt people over money, over COVID-19 cases. This is very serious. We need to pull together, we need to do this the right way and let people make their own decisions at their own risk.

Mr. Gray: Yes, sir. Mr. Gibbons, quick question for you. For those business owners that are concerned that if they were to open, that they wouldn't be in danger of losing their license. What advice would you have to offer? What resources can we point them to give them a more definite answer?

Mr. Gibbons: I think the best advice would be for them to individually speak to their own legal counsel and get advice on their specific situation. We can't tell them exactly what their situation is because only they know it best. In terms of resources, I don't know that we have resources that help address that question and that's unfortunate. I'm not aware of anything that really provides relief with that other than to encourage that we'd be allowed to move forward in getting the state open in compliance or with the acquiescence perhaps by the Governor, to leave our businesses alone. But, I don't know, I wish there was more to offer on that. I wish we had more to offer to them. But unfortunately, I don't think that this body has the ability to do that.

Mr. Gray: Thank you, Mr. Gibbons.

Mr. Walters: I also want to thank all the members of the committee and Mr. Gibbons your office. You guys have done a wonderful job here, this is perfect. *inaudible* working in a bipartisan manner. I think the seven of you did a phenomenal job of representing the vast majority of what most people want. I do agree with Mr. Malone that there may be some tweaks we have to do down the road, you know, make sure that we keep our businesses going. I believe that, Mr. Chairman, as it's been said, he already sent a letter to the Governor, he's chosen not to respond to you. You reached out once and I think it's time for us to move forward to pass this resolution so our businesses can start moving forward. Again, committee, thank you so much for your hard work, I know what you did in invaluable.

Mr. Petrillo: I have a question for either Mr. Gibbons or maybe a member of his staff, Mr. Ezra or Ms. Sedabres. I'm wondering about Home Rule, Alton, Collinsville, Edwardsville, and Granite City. If we pass this, they still, I'd like to know this, and those cities still have their option to either follow this or not following this, is that correct or help me out with that.

Mr. Gibbons: So, just to be clear, this is not a legally enforceable resolution so this doesn't dictate to cities or to the county or individuals or individual businesses or citizens their conduct. This isn't dictated by this Board. This is, you know, as is titled, this is a set of recommended guidelines for responsible reopening. The individual municipalities continue to maintain their unique authority. I think in the same vein of having local control on things, they'll continue to do that as they have throughout and to recognize what fits best in their community.

Mr. Prenzler: Mr. Gibbons, can I jump in there? In #3, we say in Madison County, we believe all businesses, churches, places of worship are essential. They are free to impose their own restrictions on entry or use of their stores or shops, as they deem appropriate and the public is encouraged to observe and comply with these restrictions. That's important. That's definite. That's a real resolution.

Mr. Chapman: Just along the lines of Mr. Petrillo's comment, which Mr. Gibbons answered so wonderfully, his question. In my brief statement, I said, it's the responsibility of the state legislature, county government and municipalities to fulfill their responsibilities. If they choose not to do so, that's on them. The reason I'm voting yes is because this is something I can influence or help the influence as a county board member to put some people back to work safely. That's about all I can do. I think it's a point taken that there's a lot of levels of government in Illinois and if they abdicate their responsibility, that's not on us. But, it's not going to stop me from fulfilling my responsibilities.

Ms. Novacich-Koberna: Yes, Chairman, thank you again. I was a little remiss earlier since I just jumped in there. I do want to thank the committee members, I know that they did do a lot of work with long and hard hours on this, because there's a lot of anguish that goes into this as we want to do everything right. I also want to thank Toni Corona and the Health Department. I don't think we thanked her and her department enough. They go above and beyond and have just been so diligent and giving us messages and keeping us aware of what our county looks like. The State's Attorney's Office, thank you very much for your input as well. I want to go back to the resolution that was very well written to Recommend Guidelines for the Responsible Reopening of Madison County, in #7, it does state the adoption of this resolution makes no comment, opinion or promise, as to insurability or licensure of any individual business or operating in a manner inconsistent with any executive order or state statute. Again, I'm just going to say we need to be cautious because we don't want to put anyone in harm's way. Small business owners, public health, safety of anyone. I don't want to come across as that I'm not for a sound resolution. I just want it stated that I am very concerned if we act too soon before the Governor does get a chance to read your very well put together letter to him. I'm afraid that we may cut off our nose to spite our face. I don't want to see anyone losing funding. Anyone lose anything over us just trying to help small businesses out because we don't want to hurt them, we want to help them. We don't want to jump too soon. We could wait a couple days more just to see you know if he has a response, something, because I feel like we're not the only ones going through this, we know that. We know that as a county and as people. If we want to do something right to move forward, then I feel as though that we need to heed what the Governor's wishes are and what his direction is. So, that's really all I want to say.

Mr. Hankins: Thank you, Chairman Prenzler. I just want to echo what Kristin said. Toni Corona, Director of Public Health, everybody on the Board knows the job she does. I think the public needs to know she's the person in charge of the Health Department in this critical time in Madison County. Her leadership, courage, tireless efforts, during this time is unmatched and truly appreciated. It's been a 24/7 job for her and her department for the last two months and I really appreciate it. That is all, sir.

Mr. Parkinson: Thank you. Again, this meeting has been well run, I appreciate everybody's efforts. I'm going to be very brief in my final statement here is that this adoption will make it possible for me to vote on this issue, which I appreciate. My concern is still for business owners, is that they understand that this is just our wishes here in Madison County, and that they still have to be concerned not so much with the government imposing sanctions on them, but their insurance companies who may not cover them if they open against the wishes of the Governor, for any liability issues that come their way, or any lawsuits that may come their way from any slips, trips or falls because they are open in violation of the Governor's orders. With that said, I want our business to get back open. I still say that the best possible way for us to do that is through a lawsuit against the government for imposing what we see is unlawful sanctions against our businesses and our freedoms. I implore this committee to do what's real many meaningful legislation, to come forward with a lawsuit to get an injunction against the government to stop them from doing this so we can really get our people back to work. Thank you all.

The following resolution was submitted and read:

**RESOLUTION TO RECOMMEND GUIDELINES FOR THE RESPONSIBLE
REOPENING OF MADISON COUNTY**

WHEREAS, we are a Constitutional Republic in the midst of a national public health crisis which has created a necessary tension between Constitutional rights and protecting the public; and,

WHEREAS, while we recognize there are certain aspects of this public health crisis that are appropriately managed at the Federal or State level, we also believe that local governments are best suited to promulgate rules and regulations that affect citizens locally; and,

WHEREAS, we recognize our duty under Illinois State Statutes to function as the Board of Health of Madison County, taking into consideration national and state rules in regard to this public health crisis, recognizing the unique local problems presented in Madison County, and believing in the innate common sense, responsibility and reasonableness of our Madison County citizens; and,

WHEREAS, the Madison County Board wishes to balance the goals of (a) public health, (b) constitutional rights, (c) improving the local economy by allowing local businesses, churches and places of worship to “reopen” in a safe and responsible way; and,

WHEREAS, the Madison County Board recognizes the economy of Madison County has suffered a sudden and severe decline, evidenced by:

- a. 15,000 citizens of Madison County filed new applications for unemployment during the months of March and April, and
- b. the county received a WARN notice from US Steel indicating that 737 union and management jobs may be lost in the next 90 days, and
- c. the decline in gasoline use is impacting the Roxana refinery, which is the largest in the Midwest, employs 800 workers and as many as 1,000 contract workers, and pays more than \$24 million in property taxes to various taxing districts; and,

WHEREAS, the Board of Health wishes to provide the attached recommendation for phased reopening to provide reasonable and responsible guidelines for businesses and places of worship to reopen consistent with the goals of public health, due process, and with equal protection for all involved.

THEREFORE, BE IT RESOLVED that the County Board of Health of Madison County, Illinois, hereby promulgates the following Resolutions, Recommendations and Guidelines for conduct during this public health crisis and the reopening of any business in Madison County, is hereby adopted:

1. Hearing the Governor's call to Restore Illinois, and the President's call to Reopen America, we understand that the Madison County Board believes that the time has come to responsibly reopen Madison County to the free activities of free citizens.
2. We understand that the freedoms and rights contained in our Constitution encompass free travel, free association, and free operation of lawful businesses unless by due process of law those rights are restricted.
3. In Madison County, we believe all businesses, churches and places of worship are essential. They are free to impose their own restrictions on entry or use of their stores or shops as they deem appropriate and the public is encouraged to observe and comply with these restrictions.
4. In order to encourage public trust and transparency during this dramatic time, if a business, places of worship or other entity desires to re-open, it should plan to do so in a safe and responsible way, with phasing as to not jeopardize health, if appropriate.
5. Upon a complaint of any business or public location not complying with reasonable CDC health standards, all available appropriate actions may be taken to ensure the public safety.
6. This resolution makes no comment on the powers or activities of the Governor or other government entities outside of the control of the Madison County Board of Health, but we strongly encourage such entities to respect the rights and self-government of Madison County citizens, allow Madison County citizens and businesses the freedom to responsibly reopen pursuant to local control and oversight, and to not punish (be it by threatened court action, removal of licenses, etc.) those businesses, places of worship, and other entities responsibly reopening in Madison County pursuant to the local oversight outlined in these guidelines.
7. The adoption of this resolution makes no comment or opinion or promise as to the insurability or licensure of any individual or business for operating in a manner inconsistent with any executive order or state statute.

BE IT FURTHER RESOLVED that the County Board of Health of Madison County, Illinois, will continue to monitor the cases of the coronavirus in Madison County going forward and may continue to issue locally devised guidelines as Madison County lives with the coronavirus pandemic, and encourages all citizens to conduct themselves in accordance with these Guidelines, CDC guidelines and common sense, in a socially responsible manner. As in the criminal law, we recognize that some will not act reasonably or within the spirit of these Guidelines. For anyone who does not adhere to these common-sense reasonable and responsible Guidelines and who acts recklessly, we may pursue all available remedies at law to ensure the public health and safety.

Adopted this 12th Day of May, 2020.

s/ Kurt Prenzler
Kurt Prenzler
Chairman, Madison County Board of Health

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RECOMMENDED GUIDELINES FOR THE RESPONSIBLE REOPENING OF MADISON COUNTY

Madison County is committed to reopening its business community and getting residents back to work in a safe and responsible manner. At the same time, we are asking citizens to do their part to take all necessary precautions to ensure the health, safety and well-being of everyone. During each phase of these guidelines, Madison County will continue to monitor the status of its impact in coordination with the local health department and staff. As with any plan, the elements presented here include timelines and are subject to change without notice.

It is imperative that all business owners pre-plan for any reopening. They must have a structured plan to deal with an unexpected surge in customers or clients in their respective businesses. They should be completely familiar with all CDC and local health guidelines prior to opening to ensure the safest operation possible. Owners should have an emergency contingency plan in place in the event of a virus outbreak affecting their business which includes, at a minimum, notification of such to the Local Health Department and the County Board of Health.

All citizens have the ultimate responsibility to follow local guidelines with respect to social distancing and other safety practices set forth. If any business owner feels uncomfortable about opening their business, we recommend you remain closed. We urge you to use your best judgement regarding your personal situation. No one is required to open a business if they feel it is in their best interest to remain closed. We also recommend that you use that same discernment with your employees, especially any employee who may be part of a vulnerable group, or reside with someone who is part of a vulnerable group.

We can all do our part by practicing preventive measures, such as:

- Frequently wash your hands with soap and water
- Avoid touching your eyes, nose or mouth
- Avoid contact with sick people if possible
- Cover your mouth and nose with a tissue or sleeve when coughing or sneezing
- Clean and disinfect objects and surfaces
- Ensure to maintain at least six-foot social distancing from other individuals
- Stay home should you have a fever or otherwise feel unwell

These recommendations establish what we believe is a responsible path forward for our county to begin reopening. It does not guarantee the state wide legality of any reopening outside of the parameters of the emergency orders issued by the state of Illinois. Doing so may cause a business owner to lose its state or federal licensing and/or liability insurance coverage.

The following recommendations apply to all phases as follows:

- All businesses and other locations open to the public are recommended to follow the guidelines of the CDC, including but not limited to: the reasonable use of face masks, proper sanitation, appropriate social distancing and monitoring of employee's temperatures at the beginning of the shift.
- Family members who are sheltering in the same residence may visit or participate in public activities together without restriction on their number count.
- All occupancy count shall be calculated using the total occupancy limits of any building open to the public as determined by the local fire marshal.
- Any business owner who is uncomfortable with opening or moving to the next phase should continue to remain closed or remain in the phase they are currently in.

- All county residents who have been defined by the CDC as a vulnerable group should continue to adhere to the CDC recommendations and limitations on social interaction.

PHASE 1 (estimated May 13 – May 27, 2020)

1. Nonessential travel may resume.
2. Avoid social gatherings of 10 or more people.
3. Retail business may open with a 25% occupancy.
4. Restaurants/Bars may continue to prepare and serve food for off-premise consumption while serving through means such as in-house delivery, third-party delivery, drive-through service and curbside pick-up. Additionally, patrons may use seated dining at a rate of 25% occupancy.
5. Personal Care Providers (such as hair, nail, massage, etc.) may reopen. When possible limit customers by appointment only.
6. Professional Services (such as banking, accounting) may reopen. When possible limit customers by appointment only.
7. While the Madison County Board of Health recognizes the constitutional limitation we have to regulate attendance and religious freedom, churches and other places of worship may open with a 50% occupancy.
8. Childcare facilities may reopen. All food preparation surfaces, handles, knobs and common surfaces shall be sanitized before and after each use. Continual cleaning of surfaces used by employees and children is encouraged.
9. Gyms, exercise facilities and other indoor recreation spaces may reopen at 25% occupancy. Equipment should be maintained according to local health department guidelines.
10. Public parks, golf courses, campgrounds, athletic fields, swimming pools and other outdoor recreation spaces may reopen. Distancing between family members is at their discretion. Golf carts can have an occupancy of two people or more if designed for extra passengers. It is suggested that one bring sanitizing wipes for common items (items open to use by all visitors such as playground equipment). The bleacher section must follow social distancing guidelines. Personal seating may be used, but social distancing guidelines must be maintained.
11. Theatres, museums and bowling alleys may reopen at 25% occupancy.

PHASE 2 (estimated May 28 - June 12, 2020)

If after 14 days of following the Phase 1 guidelines, and Madison County Health Department assessment of COVID19 cases presenting for hospitalization remain sufficiently below the hospitals ability to treat the cases, the following practices shall be in place in addition to the above stated openings:

1. Avoid social gatherings of 50 or more people.
2. Retail business may open with a 50% occupancy.
3. Restaurants/Bars may continue to prepare and serve food for off-premise consumption while serving through means such as in-house delivery, third-party delivery, drive-through service and curbside pick-up. Additionally, patrons may be seated dining at a rate of 50% occupancy
4. Churches and other places of worship may open with a 75% occupancy.
5. Concessions at athletic events may be reopened.

PHASE 3 (estimated June 13 - June 27, 2020)

If after 14 days of following the Phase 2 guidelines, and Madison County Health Department assessment of COVID19 cases presenting for hospitalization remain sufficiently below the hospitals ability to treat the cases, the following practices shall be in place in addition to the above stated openings:

1. Avoid social gatherings of 150 or more people.
2. Retail business may open with a 75% occupancy.

3. Restaurants/Bars may continue to prepare and serve food for off-premise consumption while serving through means such as in-house delivery, third-party delivery, drive-through service and curbside pick-up. Additionally, patrons may be seated dining at a rate of 75% occupancy.
4. Churches and other places of worship may open with a 100% occupancy.

PHASE 4 (estimated June 27, 2020)

If after 14 days of following the Phase 3 guidelines, and Madison County Health Department assessment of COVID19 cases presenting for hospitalization remain sufficiently below the hospitals ability to treat the cases, the following practices shall be in place in addition to the above listed openings:

Open Madison County completely as long as data evaluation suggests it continues to be safe. These recommendations may change if data suggests a reevaluation is warranted.

As long as there is not a vaccine or permanent cure for COVID-19, it's recommended all residents follow CDC guidelines and continue to take all reasonable precautions to protect themselves and others to minimize the spread of this virus.

Mr. Wesley moved, seconded by Mr. Walters to approve the resolution as presented.

The ayes and nays being called on the motion to approve resulted in a vote as follows:

AYES: Chapman, Ms. Dalton, Ms. Dutton, Foster, Ms. Glasper, Goggin, Gray, Guy, Hankins, Ms. Harriss, Jones, King, Kuhn, Madison, Malone, McRae, Michael, Minner, Moore, Ms. Novacich-Koberna, Parkinson, Petrillo, Pollard, Trucano, Walters and Wesley

NAYS: Holliday, Valentine

AYES: 26. NAYS: 2. Whereupon the Chairman declared the foregoing motion approved.

Mr. Madison: Thank you, I just want to reiterate real quickly, if people out there decide to reopen, one of the first things they should do is contact their liability insurance providers and have a discussion on liability issues.

Mr. Minner moved, seconded by Ms. Kuhn to recess this session of the Madison County Board of Health meeting until Wednesday, June 17, 2020. **MOTION CARRIED.**

ATTEST: Debbie Ming-Mendoza
County Clerk

Mr. King was inadvertently skipped during the roll call vote. Mr. King voiced an aye vote.
