

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT,
WILL COUNTY, ILLINOIS

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| BISHOP STEVEN EVANS, |) | |
| MARGIE CEPON, |) | |
| CHARLES WILLIAMS, |) | |
| DENNIS O'CONNOR, |) | 20-CH-526 |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| CITY OF JOLIET, |) | |
| |) | |
| Defendant. |) | |

ORDER

This matter is before the Court on Plaintiffs' Emergency Motion for a Temporary Restraining Order prohibiting the City of Joliet from holding a special City Council meeting regarding the adoption of a pre-annexation agreement. The pre-annexation agreement is related to the proposed NorthPoint development. The Court takes judicial notice (because it is common knowledge in Will County) that NorthPoint is a proposed warehouse, distribution, and manufacturing development that is exceptionally controversial. Public meetings regarding the development have had hundreds, if not thousands, of people in attendance.

According to the Verified Complaint, on April 8, 2020, the City announced the special meeting scheduled for April 13, 2020 (today) at 5:30PM. At 10:54AM today, plaintiffs filed their Verified Complaint and motion for a TRO. At 12:04PM, the Court received it. The Court conducted a hearing by conference call at 2PM, with a court reporter participating in the call. The call ended around 2:30PM.

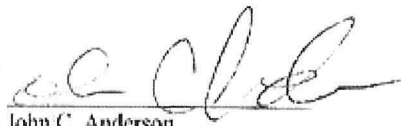
There are two primary arguments raised by Plaintiffs. First, they argue that the meeting is not "necessary" to be held today. During the conference call, plaintiffs' counsel basically acknowledged that, given the COVID-19 crisis and the intense public interest of the matter, it may not be possible to hold an in-person meeting on this issue for many, many months. The City counters that it has discretion to determine what issues justify a "necessity." The Court finds that the City does not have unfettered discretion to determine "necessity" in this context, but it is certainly entitled to reasonable deference. Generally speaking, it would be judicial activism for this Court to tell Joliet what is, and is not, important to Joliet. That is (again, generally speaking) for Joliet's elected officials to decide. Moreover, Plaintiffs argue that the City "has not shown" necessity—but Plaintiff bears the burden here.

Second, Plaintiffs argue that Joliet has not provided the public with a sufficiently meaningful way to participate in the meeting. However, the City announced the meeting five days ago, and is permitting the public to comment by telephone and email. The meeting will be shown live on public access television, on the City's website, and through social media. It will also be recorded and available on the City's website after the meeting. It may be true that persons without access to cable television, telephone, and internet will not have an opportunity to participate. However, that is a relatively small segment of the population, and the law requires only a *reasonable* opportunity to participate. The City has complied with that obligation.

The Court was not born yesterday. Having this meeting in the way the City has decided is shady and does a disservice to the public. But that does not make it illegal. At the end of the day, Plaintiffs have simply not met their burden of justifying the extraordinary remedy of a TRO. Indeed, they have established neither a violation of the Open Meetings Act nor the elements necessary for injunctive relief. The emergency motion for a TRO is denied. A copy of this Order is emailed to all counsel of record. Status is set for July 2, 2020, at 9AM. All other dates are stricken.

ENTERED:

Date: April 13, 2020
Time: 3:35PM


John C. Anderson
Circuit Judge