



City of Fairbury

Fairbury... Where our history provides a vision for the future

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201 West Locust Street, P.O. Box 228, Fairbury, Illinois 61739

MAYOR David Slagel • CITY CLERK Nancy Widlacki • CITY TREASURER Dale Diller • CITY SUPERINTENDENT Brett Ashburn • CHIEF OF POLICE Robert McCormick

May 20, 2020

RE: Governor Pritzker's COVID-19 Stay at Home Executive Orders

City of Fairbury Residents and Businesses,

Fairbury residents and businesses have been asking the City of Fairbury about our position regarding enforcement of the Governor's "Stay-At-Home" and "Restore Illinois" orders as well as the IDPH Emergency Rule changes. This statement is meant to give them guidance in making informed decisions regarding their health, families, businesses and livelihoods.

It has been the position of the City of Fairbury, and is still our position now, that the Governor's orders are being directed from the Governor to the individuals and businesses and therefore is between the Governor and those entities; with the City and its officials and employees having limited jurisdiction as it relates to the enforcement of said orders. At this juncture, the City will also look with scrutiny on any enforcement requests made that lack the requisite due process protections afforded our citizens and businesses, which include, among other things, a right to a state court or administrative hearing as set forth under the 20 ILCS 2305/2(c) powers of the Illinois Department of Public Health.

Despite the City's limited jurisdiction and questions of the statutory and constitutional validity of those orders after the initial 30 days, certain factors must be considered such as the rights of individuals and private business owners. For example, if a business owner makes a policy that all patrons must wear a mask, that policy would be enforced as usual as a right of the owner to deem what is allowed on his or her property; similar to "No Shirt, No Shoes, No Service" policies. Also, if a valid order was issued by the County Health Department such as an individual quarantine or closure of a business backed by the States Attorney and approved by a court of law, the City would be obligated to enforce it.

It is also important to note that there are a host of considerations that need to be made by an individual or business besides the obvious health and wellbeing of neighbors and patrons. Most of these are completely outside the control of the City of Fairbury including, but not limited to, state licensing, civil liability, State Police enforcement, and many others. As always when making decisions regarding yourself, your family or your business it is prudent to make well informed and reasoned decisions and to consult your attorney and health care advisors for advice where necessary.

To be clear, the City of Fairbury encourages everyone to follow the recommendations of health officials such as social distancing, washing hands, limiting exposure to large groups of people, staying at home when sick or at high risk, etc. The City of Fairbury is not encouraging our citizens to violate the Governor's orders and indeed encourages citizens to act responsibly and safely, while also recognizing the City's lack of authority in refuting or enforcing these orders.

Our hearts go out to everyone who has been affected by the COVID-19 virus and also to the businesses, business owners, employees and their families being devastated by their closure. Fairbury is a community of strong, caring and generous people and we will work together to get thru this as we have shown over and over in the past.

Thank you,

David Slagel, Mayor
City of Fairbury, IL

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