

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS**

Chris Kachiroubas
e-filed in the 18th Judicial Circuit Court
DuPage County
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NAPERVILLE PARK DISTRICT,)	2020CH000399
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 2020 CH _____
)	
GOVERNOR JAY ROBERT PRITZKER,)	
In his official capacity,)	
)	
<i>Defendant.</i>)	

**VERIFIED COMPLAINT FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF
AND DECLARATORY JUDGEMENT
AGAINST GOVERNOR JAY ROBERT PRITZKER**

Plaintiff, Naperville Park District, an Illinois park district, body corporate and politic, and Illinois unit of local government, by and through its attorneys, Ancel Glink, P.C., for its Verified Complaint for a Temporary Restraining Order, Preliminary and Permanent Injunctive Relief, and Declaratory Judgment against Defendant, Governor Jay Robert (“JB”) Pritzker, in his official capacity as Governor of the State of Illinois, seeking to restore the balance of power and local accountability provided for in the duly enacted statutes of the State of Illinois now in effect, hereby alleges as follows:

PARTIES

1. The NAPERVILLE PARK DISTRICT is an Illinois unit of local government, body corporate and politic, formed and acting under the Illinois Park District Code, 70 ILCS 1205/1-1 *et seq.* (hereafter the “Park Code”) in DuPage and Will Counties, Illinois, serving more than 140,000 residents with 136 parks covering more than 2,400 acres, including two, 18-hole golf

courses, the Fort Hill Activity Center (a community hub for fitness, sports and wellness activities), the Knoch Knolls Nature Center and Seager Park Interpretive Center, a wide variety of sports courts, fields and trails, the historic and unique Centennial Beach aquatic facility, the renowned Naperville Riverwalk, and many free seasonal events and activities held annually for the benefit of all residents. The mission of the Naperville Park District is to “provide recreation and park experiences that promote healthy lives, healthy minds and a healthy community.”

2. GOVERNOR JAY ROBERT (“JB”) PRITZKER is the duly elected Governor of the State of Illinois. He is sued herein in his official capacity.

FACTS COMMON TO ALL COUNTS

A. The Coronavirus Disease and The Governor’s Response.

3. On March 9, 2020, Governor Pritzker declared all counties in the State of Illinois to be a disaster area in response to the outbreak of Coronavirus Disease 2019 (“COVID-19”).

4. On April 30, 2020, Governor Pritzker entered his third sequential disaster proclamation regarding COVID-19. (hereinafter “Proclamation #3”) (A true and correct copy of Proclamation #3 is attached hereto and incorporated herein as Exhibit 1).

5. Governor Pritzker issued Proclamation #3 under the authority granted him under the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.* (which is hereinafter referred to as the “IEMAA”).

6. Section 7 of the IEMAA states: “In the event of a disaster, as defined in Section 4, the Governor may by proclamation declare that a disaster exists.” (20 ILCS 3305/7).

7. In Proclamation #3, Governor Pritzker determined, as he had before, that the COVID-19 virus pandemic constitutes a disaster as defined under the IEMAA.

8. As of May 12, 2020, with respect to the COVID-19 virus, Illinois has experienced more than 83,000 known infections and more than 3,600 deaths. COVID-19 is highly contagious and easily transferable. At this time, there is no known cure and no vaccine.

9. The Centers for Disease Control has recognized that, despite efforts to contain COVID-19, COVID-19 continues to spread. Accordingly, efforts have shifted to slowing the rate at which COVID-19 spreads (aka: “flattening the curve”) so as not to overwhelm the ability to deliver health care services. To that end, the CDC recommends avoiding contact with infected persons by staying home as much as possible, practicing social distancing when leaving home, and wearing face coverings when coming near others.

10. Consistent with that information and guidance from the CDC and other authorities about supporting the delivery of health care services and flattening the curve, Governor Pritzker has issued a series of “stay-at-home” Executive Orders. The first such Executive Order was issued March 20, 2020.

11. Governor Pritzker’s most recent Executive Order—issued in express reliance on the powers granted him in “Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12)” of the IEMAA—is Executive Order 2020-32 (hereinafter “EO 32”) dated April 30, 2020. (A true and correct copy of EO 32 is attached hereto and incorporated herein as Exhibit 2). **However, none of the sections of the IEMAA cited by Governor Pritzker (nor any other provisions of the IEMAA) authorizes the Governor to amend, alter, or displace the statutory jurisdiction of a local unit of government.**

12. In EO 32, Governor Pritzker states: “[A]s the virus has progressed through Illinois, the crisis facing the State has developed and now requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance” (Ex. 2, p. 2, emphasis added).

13. In EO 32, Governor Pritzker also stated: “[F]or the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take measures consistent with public guidance to slow and stop the spread of COVID-19 and to prevent shortages of hospital beds, ICU beds, ventilators, and PPE and to increase COVID-19 testing capacity” (Ex. 2, p. 3).

14. Each of Governor Pritzker’s Executive Orders have required the cessation of all non-essential business operations and the prohibition of travel from the home except for “Essential Travel” and “Essential Activities.”

15. Among the “Essential Activities” for which travel is permitted under EO 32 are activities essential to the “health and safety” of persons and their families and households. (Section 1, Paragraph 5(a)). Travel is also permitted to “engage in outdoor activity ... such as, by way of example and without limitation, walking, hiking, running, and biking” and individuals may go to public parks. (Section 1, Paragraph 5(c)).

B. COVID-19 Spawns Health Issues Beyond Contagion.

16. As Governor Pritzker recognizes, the challenges to public health presented by COVID-19 require “**an evolving response.**” Like after-shocks that follow a seismic event, DuPage, Will, and neighboring counties have experienced an increase in serious health issues emanating from the COVID-19 pandemic and the isolation required to slow its spread and flatten the curve. These after-shocks include (but are not limited to) increases in child abuse, domestic violence, depression, substance abuse, and suicide.

17. On April 23, 2020 the Chicago Tribune, citing an article published in JAMA entitled “Suicide mortality and Coronavirus Disease 2019—A Perfect Storm,” reported that the coronavirus pandemic creates a greater risk of suicide. The Tribune Article can be found here:

<https://www.chicagotribune.com/coronavirus/ct-life-coronavirus-pandemic-suicide-concerns-tt-20200423-fpf7opllirauve77gbzgqx6e4u-story.html>. The article from JAMA can be found here: <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2764584>. Both articles referred to the social isolation that accompanies efforts to flatten the curve such as the closure of community centers and places of worship. The April 23, 2020 Tribune article also reported on the link between the increased risk of suicide and the uptick in domestic violence occurring during the COVID-19 pandemic. (See also the Affidavit of Rich Janor, President of the Naperville Park District, which is attached to and incorporated in this Complaint as Exhibit 5). On the same day, the University of Utah Health System reported that alcohol sales were up 55% across the nation due, in part, to the isolation and stress associated with the COVID-19 pandemic. The University of Utah report can be found here: https://healthcare.utah.edu/the-scope/shows.php?shows=0_p0xim6x3.

18. Naperville's Chief of Police, Robert Marshall, in an email dated May 11, 2020 to the Chairman of Edgewood Clinical Services, reported that Naperville has experienced a 6.48% increase in domestic disturbance calls and a 27.74% increase in domestic violence calls (as measured January through April compared to January through April, 2019). (Ex. 5, Janor Aff. ¶ 9 Ex. A). The next day, ABC News 7 reported that neighboring Kane County is reporting a 139% increase in the number of juvenile abuse and neglect cases reported in March and April of this year compared to the same time last year. The ABC News 7 report can be found here: <https://abc7chicago.com/health/child-abuse-cases-increase-during-stay-at-home-order/6176785/>

19. The CDC lists promoting social connectedness through community involvement and activities like organized recreation and creating protective environments that reduce dependency on alcohol as strategies and approaches that can help prevent suicide. See, <https://www.cdc.gov/violenceprevention/suicide/prevention.html>

20. Prevent Child Abuse America (the national organization headquartered in Chicago and founded in 1972) publishes its “Parenting Tip of the Week” and one such “Tip” emphasizes the importance of parents going outside and playing with their children. Citing the American Academy of Pediatrics, Prevent Child Abuse America states that play is an essential part of child development because play contributes to the cognitive, social and emotional well-being of children and youth. The U.S. Department of Health recommends that children between ages 6 and 17 get at least 60 minutes of physical activity per day. One way to accomplish this, according to Prevent Child Abuse America, is “to sign your children up for a rec league.” This Tip may be found here: <https://preventchildabuse.org/resource/parenting-tip-physical-activity/>

21. The CDC’s guidance to park and recreation administrators in response to the COVID-19 pandemic encourages a balance between serving the community’s need for physical activity and continuing the practices necessary to slow the spread of the virus: “Parks, trails, and open spaces can provide opportunities for physical activity while also providing opportunities for respite, health, and wellness. Individuals are encouraged to use parks, trails, and open spaces safely as they are able while following current guidance to prevent the spread of COVID-19.” That guidance may be found here: <https://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/park-administrators.html>

22. With respect to organized sports like soccer, baseball, basketball and lacrosse, the CDC states that these are not recommended during times when individuals are practicing social distancing, but that park officials should also monitor directives related to the size of gatherings and use those directives to inform participation in those sports where the gathering size would normally be exceeded. As seen in Exhibits C and D attached to Rich Janor’s Affidavit, states and organizations across the country are modifying their rules and procedures to enjoy these activities

while abiding by the guidance provided by health officials by reducing team sizes and the number of players on the field at any one time. (Ex. 5, Janor Aff. ¶14, Exhs. C and D).

23. Thus, as recognized by the CDC and by Governor Pritzker in EO 32, there is a balance to be struck between the social distancing needed to slow the spread COVID-19 and the opportunities for recreational activity needed to keep individuals healthy and combat child abuse, domestic violence, depression, substance abuse, and suicide. There are decisions that need to be made that involve the exercise of discretion and judgment, and the Illinois legislature has determined that Naperville Park District Board of Commissioners has the authority to make them.

C. Local Government is on the Front Line of All of these Health Issues.

24. Like the State of Illinois, units of local government are confronted by the challenges of COVID-19 and also by the associated health issues of child abuse, domestic violence, depression, substance abuse and suicide. Indeed, municipal first responders are on the front lines combatting all of these health issues.

25. The IEMAA recognizes the role local government must play in dealing with any public emergency in the State of Illinois and repeatedly emphasizes the need for intergovernmental cooperation. (see, e.g., 20 ILCS 3305/13).

26. Just as EO 32 recognizes the need for an evolving response to address health issues in addition to COVID-19; and just as EO 32 recognizes the need to strike a balance between social distancing to slow the spread COVID-19 and opportunities for recreational activity to keep individuals healthy and combat child abuse, domestic violence, depression, substance abuse, and suicide; so too EO 32 recognizes that local governments have jurisdiction over certain matters, that local governments must be permitted to fulfill their functions in addressing the health crisis, and that there are limits on the Governor's power over local governments under the IEMAA.

Concerning units of local government, such as the Naperville Park District, EO 32 states (in relevant part):

Essential Governmental Functions.

* * *

Essential Government Functions means all services provided by the State or any municipal, township, county, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Government Functions. **Each government body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions.**

This Executive Order does not apply to the United States government. **Nothing in this Executive Order shall prohibit any individual from performing or accessing Essential Governmental Functions.** (Emphasis added).

Ex. 2, Section 2, Paragraph 10.

27. **Unfortunately, in implementing EO 32, Governor Pritzker does not always respect the limits of his power over units of local government like the Naperville Park District. Rather, without any statutory authority in the IEMAA for doing so, Governor Pritzker has wrongfully displaced units of local government from their essential functions and is preventing them from addressing the specific health concerns of their respective communities.** With respect to the Naperville Park District specifically, EO 32—as implemented -- prevents the Park District’s Board of Commissioners from determining its Essential Governmental Functions by depriving the Board of its statutory jurisdiction over District property and programs (e.g., golf, tennis, recreational spaces); prohibits the Staff of the Park District from performing Essential Governmental Functions (e.g., providing additional recreational opportunities at the facilities through implementation of social distance protocols, such as instruction for small groups or modified organized sports); and, prohibits individuals (residents and non-residents alike) from accessing the Essential

Governmental Functions (e.g., park facilities and programs) that would otherwise be provided by the Park District to combat this multi-faceted health crisis.

28. In the Park District Code, the legislature vested power over the Park District's property and operations in the Park District's duly elected local Board of Park District Commissioners. 70 ILCS 1205/8-1 states (in relevant part):

Sec. 8-1. General corporate powers. Every park district shall, from the time of its organization, be a body corporate and politic by the name set forth in the petition for its organization, the specific name set forth in this Code, or the name it may adopt under Section 8-9 and shall have and exercise the following powers:

* * *

(d) To pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed.

* * *

(f) To manage and control all officers and property of such districts

70 ILCS 1205/8-1.

29. The Park District Code also vests power over the Park District's recreational programs (e.g., golf, tennis, swimming) in the Park District. 70 ILCS 1205/8-10 states:

Sec. 8-10. All park districts shall have power to plan, establish and maintain recreational programs, provide musical concerts, to construct, equip and maintain airports, landing fields for aircraft, armories, field houses, gymnasiums, assembly rooms, comfort stations, indoor and outdoor swimming pools, wading pools, bathing beaches, bath houses, locker rooms, boating basins, boat houses, lagoons, skating rinks, piers, conservatories for the propagation of flowers, shrubs, and other plants, animal and bird houses and enclosures, athletic fields with seating stands, golf, tennis, and other courses, courts, and grounds, and the power to make and enforce reasonable rules, regulations, and charges therefor. The express enumeration of each of the foregoing recreational facilities and equipment which park districts are herein given the power to provide shall not be construed as a limitation upon said park districts, nor prohibit any park district from providing any other facilities or equipment which may be appropriate for park purposes in any

park of said district, nor shall the same in any way be held to limit the power and authority conferred upon park districts under other sections of this code.

70 ILCS 1205/8-10.

30. Despite this clear statutory delegation of power to the Park District over its property, facilities and programs, EO 32 (Section 2, Paragraph 5(c)) displaces the Park District from control over its facilities and programs and purports, instead, to take control by restricting the outdoor activity:

c. For outdoor activity. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined below, such as, by way of example and without limitation, walking, hiking, running, and biking. Individuals may go to public parks and open outdoor recreation areas, including specific State parks that remain open for certain activities, as designated by the Illinois Department of Natural Resources. **Fishing, boating, and golf are permitted only when following the guidelines provided by the Illinois Department of Commerce and Economic Opportunity (DCEO). Playgrounds may increase spread of COVID-19, and therefore shall be closed.** (Emphasis added.)

Exhibit 2.

31. The DCEO guidelines for golf referenced in Paragraph 5(c) of EO 32 are attached hereto and incorporated herein as Exhibit 3. Notably, DCEO required that all driving ranges be closed and that all courses prohibit foursomes and the use of golf carts.

32. For comparison, the CDC has provided no specific restrictions or specific guidelines for golf whatsoever; and national organizations—such as the Golf Course Superintendents Association of America (“GCSAA”)—have compiled a very different set of guidelines for healthy and safe golf course operations in response to the COVID-19 pandemic that permit driving ranges, foursomes, and carts with modified operations in response to COVID-19. (Ex. 5, Janor Aff. ¶ 13, Ex. B).

33. The decisions made by DCEO—to limit the number of participants on the course, to forbid the use of carts (no matter how safely sanitized), and to close all driving ranges (regardless

of social distancing controls)—are decisions vested by statute in the Board of Commissioners and not the Governor, and not DCEO. The Naperville Park District should be determining, for example, whether it is possible to safely open its driving ranges while observing social distancing protocols. Procedures like the use of reservations, using a reduced number of stalls that are each separated by at least 6 feet, and the use of automated ball cleansing and dispensing machines, can all be implemented to create additional opportunities for patrons for recreation while, at the same time, remaining consistent with the goal to slow the spread of COVID-19. But EO 32 and DCEO improperly prevent the Park District from doing so.

34. **Nothing in the IEMAA authorizes the Governor or DCEO to act as an uber-Park Commissioner.** The operation of the Naperville Park District’s golf courses is, as a matter of statutory power, vested in the Park District Board of Commissioners, and that power includes the decisions on how best to create recreational opportunities on its properties that are safe for the benefit of players, as well as decisions on operational requirements that keep employees safe.

35. **The limits of DCEO’s interference with the Essential Functions of the Park District apparently knows no boundaries. Despite the fact that nowhere in EO 32 will you find the word “tennis,” DCEO nevertheless took it upon itself (citing EO 32 as its authority) to issue guidance restricting tennis facilities like those of the Naperville Park District. Even the most recent and permissive version of that guidance (attached hereto as Exhibit 4) still purports to tell the Naperville Park District that it cannot conduct lessons of more than one person no matter how controlled, spaced, or small of a size group. (Ex. 4, p. 9).**

36. Likewise, EO 32, Section 2, Paragraph 3 purports to close all places of public amusement, and paragraph 7 purports to close all fitness and exercise gyms—including those of the Naperville Park District.

37. The Park District’s Fort Hill Activity Center contains 16,515 square feet of open gym space, 3 multi-purpose activity classrooms each of which is no less than 1,000 square feet, and another 9,000 square feet of multipurpose studio space. (Janor Aff. ¶ 16, Ex. E). These are ample size spaces for allowing small group activity (of less than 10 people) in accordance with the social distancing requirements set forth elsewhere in EO 32 and the general safety precaution guidelines issued by both the Illinois Department of Public Health and the CDC. But EO 32 prohibits this. Rather than allowing the Board of Commissioners to determine (as the Park District Code empowers them to do) how the Park District’s Essential Governmental Functions could include safe programming at Fort Hill in a controlled environment of many rooms that would combat both COVID-19 and the various threats to health in the community; rather than allowing the Park District Staff to perform the Essential Governmental Functions safely and in accordance with medical guidelines; and, rather than allowing individual residents and non-residents to access these Essential Governmental Functions, the Governor has—without statutory authority—preempted the Board, Staff and patrons from doing so.¹

38. Another place of amusement closed by the Governor—at least according to the Illinois Department of Public Health (and as implied in the Governor’s “Restore Illinois Plan”)-- is the Centennial Beach aquatics facility. Centennial Beach is a fully chlorinated, zero depth park and aquatics facility. The CDC allows such facilities to be open, recognizing that chlorine kills the

¹ In the Daily Q&A published by the Governor on 5/16/2020, the Governor’s Office recognized that it is possible to use multiple indoor spaces safely and in accordance with CDC guidance:

Q: When the plan discusses a “gathering,” is it a gathering in the same building or the same room? For example, what if there is a church or center with multiple rooms and there are 10 or less in each room?

A: The limit on gatherings is meant to protect from the risk of infection since the more time spent with a person with COVID-19 in close quarters, the more likely it is that the disease will be transmitted, and the more people in a room the higher the risk that someone may have COVID-19. Depending on the size and configuration of a building and its rooms, it is possible that more than one 10-person gathering could occur within a single building (such as school building with many classrooms) However, the guidance remains to keep gatherings to the fewest number possible with social distancing and no more than 10 people in proximity to each other.

virus, and the CDC offers guidance on how to operate them safely in response to the threat posed by COVID-19. The Park District's Board of Commissioners stands ready to make those important decisions about using this facility to the fullest extent possible under the guidelines issued by health experts, but they have been improperly displaced by the Governor.

COUNT I

TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTION

1-38. Plaintiff realleges and reasserts the allegations set forth in paragraphs 1 through 38 of this Complaint as though fully set forth herein.

39. For the reasons stated above, the Naperville Park District is aggrieved because the Governor, without authority to do so, is prohibiting the Park District from fulfilling its statutory obligations to make decisions about how to fulfill its mission and address the evolving variety of health concerns confronting the constituents they were elected to serve.

40. The Park District is suffering and will continue to suffer irreparable harm unless the breadth of EO 32 is more narrowly tailored to exclude application to decisions over the Park District's properties, facilities and programs. Every day that the Park District is deprived of its statutory jurisdiction to strike the balance for its constituents is a day where the deleterious effects of an artificial lack of recreational opportunities will needlessly multiply, constituents will be deprived of the properties and programs they need, and the health of the constituents harmed.

41. Moreover, there is no adequate remedy at law for the unlawful exercise of authority set forth in EO 32. The statutory structure must be set right and EO 32 restrained.

42. The seasonal nature of recreation in DuPage and Will Counties combined with the stress of the COVID-19 Pandemic means that time is of the essence so that the response can continue to evolve and the appropriate balance can be struck between the social distancing

necessary to combat COVID-19 and the recreational opportunities that are also necessary to combat the community's other health issues.

43. Plaintiff will face greater harm in the absence of injunctive relief than the harm that would result to Defendant if injunctive relief is granted. If no injunctive relief is granted for the Plaintiff, the Park District will not be able to determine how to make as many of its facilities and programs available to as many constituents as might be possible to answer the particular mix of health threats in its community and balance all of the different health needs of its constituents. If injunctive relief is granted, EO 32 will continue in force and effect for the private purveyors of such facilities and programs that are not run by a duly elected and accountable body of elected officials.

44. Plaintiff Naperville Park District is merely requesting that the Governor abide by the limits of his authority in the IEMAA, not disregard the jurisdiction conferred by the Park District Code to the Park District, and honor paragraph 10 of the EO 32 to permit the Naperville Park District to determine its Essential Governmental Functions.

45. Plaintiff has a reasonable likelihood of success on the merits based upon a plain reading of the statutory provisions cited above and, further, based upon the Illinois Supreme Court's opinion in *Wilmette Park Dist. v. Wilmette*, 112 Ill. 2d 6, 490 N.E.2d 1282, 1986 Ill. LEXIS 234, 96 Ill. Dec. 77 (Ill. 1986) (stating: "Illinois case law has long acknowledged the statutory basis of the park district as an independent body charged with the responsibility of managing its parks [citations omitted]," and holding that another unit of government may not use its power "to thwart or frustrate the park district's statutory duties." *Id.* at 18.)

46. Plaintiff seeks an order declaring that the Park District has jurisdiction over its property and programs and that the Governor may not substitute his judgment for that of the duly

elected officials vested with that power. Entry of a temporary restraining order and preliminary injunction would not be detrimental to the public interest, but rather would help support and protect the public interest by allowing the accountable officials with statutory jurisdiction to exercise their judgment on how best to address the intertwined health concerns of its constituents.

WHEREFORE, Plaintiff Naperville Park District respectfully requests this Honorable Court grant the following relief:

- A. For an order finding that the IEMAA Act does not give the Governor the power to displace the Naperville Park District from exercising jurisdiction over the Park District's properties and programs as set forth in the Illinois Park District Code; and
- B. Finding that EO 32, and the guidance published by DCEO in reliance thereon, do not have application to, or control of, the properties or programming decisions of the Park District; and
- C. For an order granting a Temporary Restraining Order preventing the Governor from enforcing EO 32 and any guidance issued thereunder by DCEO against the Park District concerning the use of Park District properties or the programs operated thereon; and
- D. For an order setting a hearing for a preliminary and permanent injunction restraining Governor Pritzker from enforcing EO 32 or any other Executive Order issued under his authority under the IEMAA, and any guidance issued thereunder by DCEO, against the Park District concerning the use of Park District properties or the programs operated thereon; and
- E. For an order restraining and preliminarily and permanently enjoining Governor Pritzker from enforcing EO 32 or any other Executive Order issued under his authority under the IEMAA, and any guidance issued thereunder by DCEO, against the Park District concerning the use of Park District properties or the programs operated thereon; and
- F. For such other, further or different relief as this Court may deem equitable and just.

COUNT II

DECLARATORY JUDGMENT

1-46. Plaintiff realleges the allegations set out in paragraphs 1 through 46 of this complaint as paragraphs 1 through 46 of this Count as though fully set forth herein.

47. Pursuant to Section 5/2-701 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-701, the Plaintiff has the right to have this court make a binding declaration of its rights, having the force of a final judgment, concerning the power of the Governor under the IEMAA, the jurisdiction vested by the Illinois Park District Code in the Board of Commissioners, and the application of EO 32 and the guidance issued thereunder to the properties and programs of the Naperville Park District as there is an actual and clear controversy concerning the limits of the Governor's authority. This Court also, pursuant to said statute, may give a construction to any other statute, municipal ordinance, or other governmental regulation and make a declaration of the rights of the parties interested thereto.

48. As stated above, the power of the Governor under the IEMAA does not include the power to take jurisdictional control over the properties and programs of the Park District, the Illinois Park District Code vests jurisdiction over properties and programs in the Board of Commissioners, and therefore EO 32 and the guidance issued thereunder has no application to the properties and programs of the Naperville Park District.

WHEREFORE, Plaintiff Naperville Park District respectfully requests this Honorable Court grant the following relief:

- A. For an order declaring that the power of the Governor under the IEMAA does not include the power to take jurisdictional control over the properties and programs of the Park District; and
- B. Declaring that the Illinois Park District Code vests jurisdiction over properties and programs in the Board of Commissioners; and
- C. Declaring that EO 32 and the guidance issued thereunder has no application to the properties and programs of the Naperville Park District; and
- D. For such other, further or different relief as this Court may deem equitable and just.

Respectfully submitted,

NAPERVILLE PARK DISTRICT

By: /s/ Derke J. Price
One of its Attorneys

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VERIFICATION

I, Rich Janor, the undersigned, certify under penalties as provided by law pursuant to 735 ILCS 5/1-109 and Supreme Court Rule 137 that the statements set forth in this Complaint at Law are true and correct to the best of my personal knowledge.



Rich Janor

Subscribed and sworn to before me this
19th day of May, 2020



Notary Public



STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

Naperville Park District

Plaintiff,

v.

Governor Jay Robert Pritzker

Defendant,

2020 CH

Case Number

File Stamp Here

EXHIBIT COVER SHEET

Local Court Rules 5.06 and 5.09

EXHIBIT NAME: 1: Governor Pritzker's April 30, 2020 Proclamation #3**TITLE OF DOCUMENT THIS EXHIBIT BELONGS WITH:**Verified Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief and
Declaratory Judgment Against Governor Jay Robert Pritzker**Document File Date:** May 19, 2020*(The file date of the document this exhibit belongs with)***EXHIBIT FILED ON BEHALF OF:** Plaintiff, Naperville Park District*(Case Party Name)*

Submitted by: Derke J. Price / Ancel Glink, P.C.

Name: Derke J. Price / Ancel Glink, P.C. ☐ Pro SeDuPage Attorney Number: 1300Attorney for: PlaintiffAddress: 140 South Dearborn Street, Suite 600City/State/Zip: Chicago, IL 60603Telephone Number: (312) 782-7606Email: dprice@ancelglink.com



Gubernatorial Disaster Proclamation

WHEREAS, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, it is critical that Illinoisans who become sick are able to be treated by medical professionals, including when a hospital bed, emergency room bed, or ventilator is needed; and,

WHEREAS, it is also critical that the State's health care and first responder workforce has adequate personal protective equipment (PPE) to safely treat patients, respond to public health disasters, and prevent the spread of communicable diseases; and,

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a novel severe acute respiratory illness that has spread among people through respiratory transmissions, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and has reported more than 3 million confirmed cases of COVID-19 and 200,000 deaths attributable to COVID-19 globally as of April 30, 2020; and,

WHEREAS, a vaccine or treatment is not currently available for COVID-19 and, on April 24, 2020, the World Health Organization warned that there is currently no evidence that people who have recovered from COVID-19 and have antibodies are protected from a second infection; and,

WHEREAS, despite efforts to contain COVID-19, the World Health Organization and the federal Centers for Disease Control and Prevention (CDC) indicated that the virus was expected to continue spreading and it has, in fact, continued to spread rapidly, resulting in the need for federal and State governments to take significant steps; and,

WHEREAS, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19 (First Gubernatorial Disaster Proclamation); and,

WHEREAS, as circumstances surrounding COVID-19 rapidly evolve, there have been frequent changes in information and guidance from public health officials as a result of emerging evidence; and,

WHEREAS, from the outset, data suggested that older adults and those with serious underlying health conditions are more likely to experience severe and sometimes fatal complications from COVID-19; and,

WHEREAS, emerging evidence has shown that young people, including infants and toddlers, are also at risk for such complications; and,

WHEREAS, as of March 16, 2020, an analysis by the CDC showed that 38 percent of hospitalized COVID-19 patients were between the ages of 20 and 54, and there is evidence that COVID-19 causes blood clots and strokes, and has caused deadly strokes in young and middle-aged patients who exhibited few symptoms; and,

WHEREAS, the understanding on spread from infected individuals who have not shown symptoms has changed and, on April 12, 2020, the CDC changed the period of exposure risk from “onset of symptoms” to “48 hours before symptom onset”; and,

WHEREAS, previously, the CDC recommended against wearing cloth face coverings or masks as protection and, now, in light of new research on asymptomatic and pre-symptomatic transmission, the CDC now recommends wearing cloth face coverings in public settings where social distancing measures are difficult to maintain; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed; and,

WHEREAS, at the time I issued the First Gubernatorial Disaster Proclamation, there were 11 confirmed cases of COVID-19 in one Illinois county; and,

WHEREAS, as of today, April 30, 2020, there have been nearly 53,000 confirmed cases of COVID-19 in 97 Illinois counties; and,

WHEREAS, the first death attributed to COVID-19 in Illinois was announced on March 17, 2020; and,

WHEREAS, as of April 30, 2020, Illinois has had more than 2,350 deaths resulting from COVID-19, including 141 deaths reported over a 24-hour period on April 30; and,

WHEREAS, studies suggest that for every confirmed case there are many more unknown cases, some of which are asymptomatic individuals, meaning that individuals can pass the virus to others without knowing; and,

WHEREAS, the Illinois Department of Public Health activated its Illinois Emergency Operations Plan and its Emergency Support Function 8 Plan to coordinate emergency response efforts by hospitals, local health departments, and emergency management systems in order to avoid a surge hospital resources and capacity; and,

WHEREAS, as the virus has progressed through Illinois, the crisis facing the State has developed and now requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner

WHEREAS, the State had distributed among all 102 Illinois counties millions of surgical masks and N95 masks, tens of thousands of gowns, millions of pairs of gloves, and hundreds of thousands of face shields from the State stockpile; and,

WHEREAS, the Illinois Department of Public Health has provided guidance to all hospitals and EMS providers recommending the immediate elevation of their conservation and contingency strategies as it relates to PPE; and,

WHEREAS, while the State is making every effort to procure additional PPE, if those procurement efforts are disrupted or Illinois experiences a surge in COVID-19 cases, the State faces a life-threatening shortage of respirators, masks, protective eyewear, face shields, gloves, gowns, and other protective equipment for health care workers and first responders; and,

WHEREAS, Illinois is using a high percentage of hospital beds, ICU beds, and ventilators as a result of the number of COVID-19 patients that require hospitalization and, if cases were to surge higher, the State would face a shortage of these critical health care resources; and,

WHEREAS, Illinois currently has a total of 32,010 hospital beds with 3,631 ICU beds, of which, as of April 30, 2020, only 33% of hospital beds and 25% of ICU beds were available statewide, and only 17% of ICU beds were available in the Chicago region; and,

WHEREAS, the State worked with top researchers from the University of Illinois at Urbana-Champaign, the Northwestern School of Medicine, the University of Chicago, the Chicago and Illinois Departments of Public Health, along with McKinsey and Mier Consulting Group, and Civis Analytics, to analyze two months' worth of daily data on COVID-19 deaths and ICU usage and model potential outcomes; and,

WHEREAS, the State's modeling shows that its health care resource utilization will not peak until May, and that health care resources will continue to be limited after the peak; and,

WHEREAS, the State's modeling shows that without extensive social distancing and other precautions, the State will not have sufficient hospital beds, ICU beds or ventilators; and,

WHEREAS, Illinois currently has a total of 32,010 hospital beds, and the State's modeling shows that without a "stay at home" order, more than 100,000 hospital beds would be necessary; and,

WHEREAS, Illinois currently has a total of 3,631 ICU beds, and the State's modeling shows that without a "stay at home" order, more than 25,000 ICU beds would be necessary; and,

WHEREAS, Illinois currently has a total of 3,378 ventilators, and the State's modeling shows that without a "stay at home" order, upwards of 20,000 ventilators would be necessary; and,

WHEREAS, the State's modeling shows that without a "stay at home" order, the number of deaths from COVID-19 would be between 10 to 20 times higher than with a "stay at home" order in place; and,

WHEREAS, the epidemiology concept of R_0 (R-naught) – which represents the number of cases, on average, an infected person will cause during their infectious period – is an important measure of success in combatting a virus like COVID-19 and that an R_0 of below 1 is a critical

WHEREAS, fewer Illinoisans have sought non-COVID-19 related medical care and emergency care in recent weeks and it is critical that Illinoisans are able to and willing to seek non-COVID-19 related medical care and emergency care; and,

WHEREAS, Illinoisans will be able to and willing to seek non-COVID-19 related medical care and emergency care if there are sufficient hospital beds, ventilators, and if medical personnel are able to protect themselves with PPE; and,

WHEREAS, the State has been limited in the number of COVID-19 tests that can be taken and processed due to a limited number of testing sites and labs, as well as a shortage of necessary supplies, including the swabs needed to take samples; and,

WHEREAS, at the time I issued the First Gubernatorial Disaster Proclamation, Illinois had capacity to test no more than a few hundred people per day for COVID-19 at a small number of testing sites; and,

WHEREAS, the State has developed testing sites throughout the State and now has increased the COVID-19 tests per day to more than 10,000; and,

WHEREAS, as of April 30, 2020, Illinois has tested nearly 270,000 total specimens for COVID-19; and,

WHEREAS, national projections adjusted for Illinois' population suggest the state may need to process several thousand more tests per day as part of the effort to permanently slow and reduce the spread of COVID-19; and,

WHEREAS, the World Health Organization has identified a positive test rate of 10% as a benchmark for adequate testing but currently over 20% of the COVID-19 tests administered in Illinois have positive results, suggesting that Illinois must continue increasing testing; and,

WHEREAS, based on the foregoing facts, and considering the expected continuing spread of COVID-19 and the resulting health impacts that will be felt over the coming month by people across the State, the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, based on the foregoing, the new circumstances surrounding the threatened shortages of hospital beds, ICU beds, ventilators, and PPE, and critical need for increased COVID-19 testing capacity constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, it is the policy of the State of Illinois that the State will be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that that our healthcare delivery system is capable of serving those who are sick and that Illinoisans remain safe and secure and able to obtain medical care; and,

WHEREAS, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including materials needed to test for COVID-19, personal protective equipment, and medicines, in an effort to support the State responses as well as the responses of local governments to the present public health emergency; and,

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare all counties in the State of Illinois as a disaster area. The proclamation authorizes the exercise of all of the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

Section 2. The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to coordinate with each other with respect to planning for and responding to the present public health emergency.

Section 3. The Illinois Department of Public Health is further directed to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development and implementation of strategies and plans to protect the public health in connection with the present public health emergency.

Section 4. The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

Section 5. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

Section 6. Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

Section 7. The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to recommend, and, as appropriate, take necessary actions to ensure expanded access to testing for COVID-19 and that consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.

Section 8. The Illinois State Board of Education is directed to recommend, and, as appropriate, take necessary actions to address any impact to learning associated with the present public health emergency and to alleviate any barriers to the use of remote learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.

Section 9. All State agencies are directed to cooperate with the Governor, other State agencies and local authorities in the development and implementation of strategies and plans to cope with and recover from the economic impact of the present public health emergency.

Section 10. Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of

Section 12. This proclamation shall be effective immediately and remain in effect for 30 days.

*In Witness Whereof, I have hereunto set my hand and caused the Great Seal
of the State of Illinois to be affixed.*



*Done at the Capitol in the City of
Springfield this 30th day of April in the
Year of Our Lord two thousand and
twenty and of the State of Illinois two
hundred and second.*

Deese Whitt
SECRETARY OF STATE

BRA
GOVERNOR

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

Naperville Park District

Plaintiff,

v.

Governor Jay Robert Pritzker

Defendant,

2020 CH

Case Number

File Stamp Here

EXHIBIT COVER SHEET

Local Court Rules 5.06 and 5.09

EXHIBIT NAME: 2: Executive Order 2020-32**TITLE OF DOCUMENT THIS EXHIBIT BELONGS WITH:**Verified Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief and
Declaratory Judgment Against Governor Jay Robert Pritzker**Document File Date:** May 19, 2020*(The file date of the document this exhibit belongs with)***EXHIBIT FILED ON BEHALF OF:** Plaintiff, Naperville Park District*(Case Party Name)*

Submitted by: Derke J. Price / Ancel Glink, P.C.

Name: Derke J. Price / Ancel Glink, P.C. ☐ Pro SeDuPage Attorney Number: 1300Attorney for: PlaintiffAddress: 140 South Dearborn Street, Suite 600City/State/Zip: Chicago, IL 60603Telephone Number: (312) 782-7606Email: dprice@ancelglink.com



FILED
INDEX DEPARTMENT
APR 30 2020
IN THE OFFICE OF
SECRETARY OF STATE

April 30, 2020

Executive Order 2020-32

EXECUTIVE ORDER 2020-32
(COVID-19 EXECUTIVE ORDER NO. 30)

WHEREAS, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, it is critical that Illinoisans who become sick are able to be treated by medical professionals, including when a hospital bed, emergency room bed, or ventilator is needed; and,

WHEREAS, it is also critical that the State's health care and first responder workforce has adequate personal protective equipment (PPE) to safely treat patients, respond to public health disasters, and prevent the spread of communicable diseases; and,

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a novel severe acute respiratory illness that has spread among people through respiratory transmissions, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and has reported more than 3 million confirmed cases of COVID-19 and 200,000 deaths attributable to COVID-19 globally as of April 30, 2020; and,

WHEREAS, a vaccine or treatment is not currently available for COVID-19 and, on April 24, 2020, the World Health Organization warned that there is currently no evidence that people who have recovered from COVID-19 and have antibodies are protected from a second infection; and,

WHEREAS, despite efforts to contain COVID-19, the World Health Organization and the federal Centers for Disease Control and Prevention (CDC) indicated that the virus was expected to continue spreading and it has, in fact, continued to spread rapidly, resulting in the need for federal and State governments to take significant steps; and,

WHEREAS, the CDC currently recommends that all United States residents take precautions to contain the spread of COVID-19, including that they: (1) stay home as much as possible; (2) if they must leave their home, practice social distancing by maintaining 6 feet of distance from others and avoiding all gatherings; (3) wear cloth face coverings in public settings where other social distancing measures are difficult to maintain; (4) be alert for symptoms such as fever, cough, or shortness of breath, and take their temperature if symptoms develop; and (5) exercise appropriate hygiene, including proper hand-washing; and,

WHEREAS, the CDC also recommends the following precautions for household members, caretakers and other persons having close contact with a person with symptomatic COVID-19,



during the period from 48 hours before onset of symptoms until the symptomatic person meets the criteria for discontinuing home isolation: (1) stay home until 14 days after last exposure and maintain social distance (at least 6 feet) from others at all times; (2) self-monitor for symptoms, including checking their temperature twice a day and watching for fever, cough, or shortness of breath; and (3) avoid contact with people at higher risk for severe illness (unless they live in the same home and had the same exposure); and,

WHEREAS, as circumstances surrounding COVID-19 rapidly evolve, there have been frequent changes in information and guidance from public health officials as a result of emerging evidence; and,

WHEREAS, as of April 30, 2020, there have been nearly 53,000 confirmed cases of COVID-19 in 97 Illinois counties and 2,350 deaths from COVID-19; and,

WHEREAS, studies suggest that for every confirmed case there are many more unknown cases, some of which are asymptomatic individuals, meaning that individuals can pass the virus to others without knowing; and,

WHEREAS, as the virus has progressed through Illinois, the crisis facing the State has developed and now requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated; and,

WHEREAS, Illinois is using a high percentage of hospital beds, ICU beds, and ventilators as a result of the number of COVID-19 patients that require hospitalization and, if cases were to surge higher, the State would face a shortage of these critical health care resources; and,

WHEREAS, Illinois currently has a total of 32,010 hospital beds with 3,631 ICU beds, of which, as of April 30, 2020, only 33% of hospital beds and 25% of ICU beds were available statewide, and only 17% of ICU beds were available in the Chicago region; and,

WHEREAS, the State worked with top researchers from the University of Illinois at Urbana-Champaign, the Northwestern School of Medicine, the University of Chicago, the Chicago and Illinois Departments of Public Health, along with McKinsey and Mier Consulting Group, and Civis Analytics, to analyze two months' worth of daily data on COVID-19 deaths and ICU usage and model potential outcomes; and,

WHEREAS, the State's modeling shows that its health care resource utilization will not peak until May, and that health care resources will continue to be limited after the peak; and,

WHEREAS, the State's modeling shows that without extensive social distancing and other precautions, the State will not have sufficient hospital beds, ICU beds or ventilators; and,

WHEREAS, Illinois currently has a total of 32,010 hospital beds, and the State's modeling shows that without a "stay at home" order, more than 100,000 hospital beds would be necessary; and,

WHEREAS, Illinois currently has a total of 3,631 ICU beds, and the State's modeling shows that without a "stay at home" order, more than 25,000 ICU beds would be necessary; and,

WHEREAS, Illinois currently has a total of 3,378 ventilators, and the State's modeling shows that without a "stay at home" order, upwards of 20,000 ventilators would be necessary; and,

WHEREAS, the State's modeling shows that without a "stay at home" order, the number of deaths from COVID-19 would be between 10 to 20 times higher than with a "stay at home" order in place; and,

WHEREAS, I declared all counties in the State of Illinois as a disaster area on April 30, 2020 because the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, I declared all counties in the State of Illinois as a disaster area on April 30, 2020 because the current circumstances surrounding the threatened shortages of hospital beds, ICU beds, ventilators, and PPE, and critical need for increased COVID-19 testing capacity constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, the Illinois Constitution, in Article V, Section 8, provides that “the Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws,” and states, in the Preamble, that a central purpose of the Illinois Constitution is “provide for the health, safety, and welfare of the people;” and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take measures consistent with public health guidance to slow and stop the spread of COVID-19 and to prevent shortages of hospital beds, ICU beds, ventilators, and PPE and to increase COVID-19 testing capacity;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective May 1, 2020:

Section 1. Public Health Requirements for Individuals Leaving Home and for Businesses

1. **Wearing a face covering in public places or when working.** Any individual who is over age two and able to medically tolerate a face-covering (a mask or cloth face-covering) shall be required to cover their nose and mouth with a face-covering when in a public place and unable to maintain a six-foot social distance. Face-coverings are required in public indoor spaces such as stores.
2. **Requirements for essential stores.** Retail stores (including, but not limited to, stores that sell groceries and medicine, hardware stores, and greenhouses, garden centers, and nurseries) designated as Essential Businesses and Operations under this Order shall to the greatest extent possible:
 - provide face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times;
 - cap occupancy at 50 percent of store capacity, or, alternatively, at the occupancy limits based on store square footage set by the Department of Commerce and Economic Opportunity;
 - set up store aisles to be one-way where practicable to maximize spacing between customers and identify the one-way aisles with conspicuous signage and/or floor markings;
 - communicate with customers through in-store signage, and public service announcements and advertisements, about the social distancing requirements set forth in this Order (Social Distancing Requirements); and
 - discontinue use of reusable bags.

Households must limit the number of members who enter stores to the minimum necessary.

3. **Requirements for non-essential stores.** Retail stores not designated as Essential Businesses and Operations may re-open for the limited purposes of fulfilling telephone and online orders through pick-up outside the store and delivery – which are deemed to be Minimum Basic Operations. Employees working in the store must follow the social distancing requirements, and must wear a face covering when they may come within six feet of another employee or a customer.
4. **Requirements for manufacturers.** Manufacturers that continue to operate pursuant to this Order must follow Social Distancing Requirements and take appropriate precautions, which may include:

- providing face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times;
- staggering shifts;
- reducing line speeds;
- operating only essential lines, while shutting down non-essential lines;
- ensuring that all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing; and
- downsizing operations to the extent necessary to allow for social distancing and to provide a safe workplace in response to the COVID-19 emergency.

5. **Requirements for all businesses.** All businesses must evaluate which employees are able to work from home, and are encouraged to facilitate remote work from home when possible. All businesses that have employees physically reporting to a work-site must post the guidance from the Illinois Department of Public Health (IDPH) and Office of the Illinois Attorney General regarding workplace safety during the COVID-19 emergency. The guidance will be posted on the IDPH webpage.

Section 2. Stay at Home; Social Distancing Requirements; and Essential Businesses and Operations

1. **Stay at home or place of residence.** With exceptions as outlined below, all individuals currently living within the State of Illinois are ordered to stay at home or at their place of residence except as allowed in this Executive Order. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements set forth in this Executive Order. All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations, all as defined below.

Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use in their operation COVID-19 risk mitigation practices recommended by the U.S. Centers for Disease Control and Prevention (CDC) and the Illinois Department of Public Health (IDPH)). Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Executive Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

2. **Non-essential business and operations must cease.** All businesses and operations in the State, except Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

All Essential Businesses and Operations may remain open consistent with the express provisions of this Order and the intent of this Order as set forth in Section 2, Paragraph 16 below. To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Executive Order, including by maintaining six-foot social distancing for both employees and members of the public at all times, including, but not limited to, when any customers are standing in line.

3. **Prohibited activities.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Executive Order. Pursuant to current guidance from the CDC, any gathering of more than ten people is prohibited unless exempted by this Executive

Order. Nothing in this Executive Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs shall be closed to the public.

4. **Prohibited and permitted travel.** All travel, including, but not limited to, travel by automobile, motorcycle, scooter, bicycle, train, plane, or public transit, except Essential Travel and Essential Activities as defined herein, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into or out of the State to maintain Essential Businesses and Operations and Minimum Basic Operations.
5. **Leaving the home for essential activities is permitted.** For purposes of this Executive Order, individuals may leave their residence only to perform any of the following Essential Activities, and must follow the Social Distancing Requirements set forth in this Order, including wearing face coverings when in public or at work:
 - a. **For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.
 - b. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - c. **For outdoor activity.** To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined below, such as, by way of example and without limitation, walking, hiking, running, and biking. Individuals may go to public parks and open outdoor recreation areas, including specific State parks that remain open for certain activities, as designated by the Illinois Department of Natural Resources. Fishing, boating, and golf are permitted only when following the guidelines provided by the Illinois Department of Commerce and Economic Opportunity (DCEO). Playgrounds may increase spread of COVID-19, and therefore shall be closed.
 - d. **For certain types of work.** To perform work providing essential products and services at Essential Businesses or Operations (which, as defined below, includes Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure) or to otherwise carry out activities specifically permitted in this Executive Order, including Minimum Basic Operations.
 - e. **To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order.
 - f. **To engage in the free exercise of religion.** To engage in the free exercise of religion, provided that such exercise must comply with Social Distancing Requirements and the limit on gatherings of more than ten people in keeping with

CDC guidelines for the protection of public health. Religious organizations and houses of worship are encouraged to use online or drive-in services to protect the health and safety of their congregants.

6. **Elderly people and those who are vulnerable as a result of illness should take additional precautions.** People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the extent possible except as necessary to seek medical care. Nothing in this Executive Order prevents the Illinois Department of Public Health or local public health departments from issuing and enforcing isolation and quarantine orders pursuant to the Department of Public Health Act, 20 ILCS 2305.
7. **Healthcare and Public Health Operations.** For purposes of this Executive Order, individuals may leave their residence to work for or obtain services through Healthcare and Public Health Operations.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; licensed medical cannabis dispensaries and licensed cannabis cultivation centers; reproductive health care providers; eye care centers, including those that sell glasses and contact lenses; home healthcare services providers; mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; and entities that transport and dispose of medical materials and remains.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare and grooming services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities.

8. **Human Services Operations.** For purposes of this Executive Order, individuals may leave their residence to work for or obtain services at any Human Services Operations, including any provider funded by the Illinois Department of Human Services, Illinois Department of Children and Family Services, or Medicaid that is providing services to the public and including state-operated, institutional, or community-based settings providing human services to the public.

Human Services Operations includes, but is not limited to: long-term care facilities; all entities licensed pursuant to the Child Care Act, 225 ILCS 10, except for day care centers, day care homes, and group day care homes; day care centers licensed as specified in Section 2, Paragraph 12(s) of this Executive Order; day programs exempt from licensure under Title 89 of the Illinois Administrative Code, Sections 377.3(a)(1)-(a)(4), (b)(2), and (c); day programs exempt from licensure under Title 89 of the Illinois Administrative Code, Section 377.3(d) (subject to the conditions governing exempt day care homes set forth in Section 1, Paragraph 12(s) of this Executive Order); residential settings and shelters for adults, seniors, children, and/or people with developmental

disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

9. **Essential Infrastructure.** For purposes of this Executive Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure.

Essential Infrastructure includes, but is not limited to: food production, distribution, and sale; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, and housing construction); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

10. **Essential Governmental Functions.** For purposes of this Executive Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support Essential Businesses and Operations are categorically exempt from this Executive Order.

Essential Government Functions means all services provided by the State or any municipal, township, county, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Government Functions. Each government body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions.

This Executive Order does not apply to the United States government. Nothing in this Executive Order shall prohibit any individual from performing or accessing Essential Governmental Functions.

11. **Businesses covered by this Executive Order.** For the purposes of this Executive Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.
12. **Essential Businesses and Operations.** For the purposes of this Executive Order, Essential Businesses and Operations means Healthcare and Public Health Operations,

Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, and the following:¹

- a. **Stores that sell groceries and medicine.** Grocery stores, pharmacies; certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations;
- b. **Food, beverage, and cannabis production and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; licensed medical and adult use cannabis dispensaries and licensed cannabis cultivation centers; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;
- c. **Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;
- d. **Media.** Newspapers, television, radio, and other media services;
- e. **Gas stations and businesses needed for transportation.** Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;
- f. **Financial institutions.** Banks, currency exchanges, consumer lenders, including but not limited to, payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products;
- g. **Hardware and supply stores and greenhouses, garden centers, and nurseries.** Hardware stores and businesses that sell electrical, plumbing, and heating material, and greenhouses, garden centers, and nurseries;
- h. **Critical trades.** Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations;

¹ On March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency, issued a *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. The definition of Essential Businesses and Operations in this Order is meant to encompass the workers identified in that Memorandum.

- i. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;
- j. **Educational institutions.** Educational institutions—including public and private pre-K-12 schools, colleges, and universities—for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible. Educational institutions may allow and establish procedures for pick-up of necessary supplies and/or student belongings and dormitory move-out if conducted in a manner consistent with public health guidelines, including Social Distancing Requirements. This Executive Order is consistent with and does not amend or supersede Executive Order 2020-05 (COVID-19 Executive Order No. 3) or Executive Order 2020-06 (COVID-19 Executive Order No. 4) except that affected schools have been closed past the April 7, 2020 date reflected in those Orders;
- k. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers;
- l. **Restaurants for consumption off-premises.** Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Executive Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property. This Executive Order is consistent with and does not amend or supersede Section 1 of Executive Order 2020-07 (COVID-19 Executive Order No. 5) except that Section 1 is ordered to be extended through April 7, 2020;
- m. **Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people to work from home;
- n. **Supplies for Essential Businesses and Operations.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;
- o. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Executive Order;
- p. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who

- may travel to the child's home to provide care, and other in-home services including meal delivery;
- q. **Residential facilities and shelters.** Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
 - r. **Professional services.** Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services);
 - s. **Day care centers for employees exempted by this Executive Order.** Day care centers granted an emergency license pursuant to Title 89, Section 407.500 of the Illinois Administrative Code, governing Emergency Day Care Programs for children of employees exempted by this Executive Order to work as permitted. The licensing requirements for day care homes pursuant to Section 4 of the Child Care Act, 225 ILCS 10/4, are hereby suspended for family homes that receive up to 6 children for the duration of the Gubernatorial Disaster Proclamation;
 - t. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations;
 - u. **Critical labor union functions.** Labor Union essential activities including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses and Operations – provided that these checks should be done by telephone or remotely where possible;
 - v. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services; and
 - w. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services.
13. **Minimum Basic Operations.** For the purposes of this Executive Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:
- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
 - b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - c. For retail stores, fulfilling online and telephonic orders through pick-up outside the store or delivery.
14. **Essential Travel.** For the purposes of this Executive Order, Essential Travel includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

- a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d. Travel to return to a place of residence from outside the jurisdiction.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside the State. Individuals are strongly encouraged to verify that their transportation out of the State remains available and functional prior to commencing such travel.

15. **Social Distancing, Face Covering, and PPE Requirements.** For purposes of this Executive Order, Social Distancing Requirements includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

- a. **Required measures.** Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:
 - i. **Designate six-foot distances.** Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
 - ii. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers;
 - iii. **Separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers; and
 - iv. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.
 - v. **Face Coverings and PPE.** Providing employees with appropriate face coverings and requiring that employees wear face coverings where maintaining a six-foot social distance is not possible at all times. When the work circumstances require, providing employees with other PPE in addition to face coverings.

16. **Intent of this Executive Order.** The intent of this Executive Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with Social Distancing Requirements. All provisions of this Executive Order should be interpreted to effectuate this intent. Businesses not specifically addressed by this Executive Order generally should cease

activities and reduce to Minimum Basic Operations.

17. **Enforcement.** This Executive Order may be enforced by State and local law enforcement pursuant to, *inter alia*, Section 7, Section 15, Section 18, and Section 19 of the Illinois Emergency Management Agency Act, 20 ILCS 3305.

Businesses must follow guidance provided or published by: the Office of the Governor, the Illinois Department of Commerce and Economic Opportunity, and State and local law enforcement regarding whether they qualify as Essential; and the Illinois Department of Public Health, local public health departments, and the Workplace Rights Bureau of the Office of the Illinois Attorney General with respect to Social Distancing Requirements. Pursuant to Section 25(b) of the Whistleblower Act, 740 ILCS 174, businesses are prohibited from retaliating against an employee for disclosing information where the employee has reasonable cause to believe that the information discloses a violation of this Order.

18. **No limitation on authority.** Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State or any county, or local government body from ordering (1) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency, or (2) any closure of a specific location for a limited period of time, including the duration of this public health emergency. Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing a county or local government body to enact provisions that are stricter than those in this Executive Order.

Section 3. Savings clause.

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable. This Executive Order is meant to be read consistently with any Court order regarding this Executive Order.


JB Pritzker, Governor

Issued by the Governor April 30, 2020
Filed by the Secretary of State April 30, 2020

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INDEX DEPARTMENT
APR 30 2020
IN THE OFFICE OF
SECRETARY OF STATE

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

Naperville Park District

Plaintiff,

v.

Governor Jay Robert Pritzker

Defendant,

2020 CH

Case Number

File Stamp Here

EXHIBIT COVER SHEET

Local Court Rules 5.06 and 5.09

EXHIBIT NAME: 3: Illinois DCEO Golf Operational Restrictions**TITLE OF DOCUMENT THIS EXHIBIT BELONGS WITH:**Verified Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief and
Declaratory Judgment Against Governor Jay Robert Pritzker**Document File Date:** May 19, 2020*(The file date of the document this exhibit belongs with)***EXHIBIT FILED ON BEHALF OF:** Plaintiff, Naperville Park District*(Case Party Name)*

Submitted by: Derke J. Price / Ancel Glink, P.C.

Name: Derke J. Price / Ancel Glink, P.C. ☐ Pro SeDuPage Attorney Number: 1300Attorney for: PlaintiffAddress: 140 South Dearborn Street, Suite 600City/State/Zip: Chicago, IL 60603Telephone Number: (312) 782-7606Email: dprice@ancelglink.com



Illinois Department of Commerce & Economic Opportunity

JB Pritzker, Governor

PLAINTIFF'S
EXHIBIT

3

GOLF OPERATIONAL RESTRICTIONS

With the precautions and operational restrictions outlined below, golf shall be permitted as a recreational activity, effective 6:00AM, May 1st, 2020. In addition to the general social distancing standards set forth in the Stay at Home Order, golf courses and golfers need to abide by the following controls.

Golf Clubs and Management restrictions:

- Require online or telephone bookings
- Players shall be grouped in twosomes.
- 15 minutes between tee-times:
 - Average tee-times are roughly 12 minutes apart. Spreading out bookings would ensure people do not congregate at tee boxes.
 - Spacing out the tee times would also limit the number of people at the golf course.
- Signage describing operational changes including: no congregating, increased frequency of cleaning, no handshakes, and maintain social distancing between players
- No practice ranges, chipping greens, or putting greens to limit large gatherings of individuals.
- No golf carts may be used on course (either owned by golf club or privately owned), except individuals with a physical disability or physical limitations that prevent them from walking the course may rent a cart from the golf club.
- Only privately-owned pull carts may be utilized, rental of pull carts from the course will not be allowed
- Elevate the “bottom” of the cup:
 - This can be done by placing the cup upside down so that the new bottom is roughly an inch below the lip of the hole. Golfers could retrieve their ball without having to put their hand in the bottom of the regular cup.
 - Alternatively, place Styrofoam in the bottom of the cup



- Flags cannot be removed from the cup
- Clubhouses, halfway houses, and proshops shall remain closed.
- Prohibit beverage and snack carts
- Courses shall operate at a minimum basic operations level of staff to limit customer and staff contact; i.e. “starter”, “course manager”, “maintenance crew”, “kitchen staff to prepare to-go only food service.”



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- Remove drinking water jugs and prohibit use of water fountains that are permanently affixed with signage
- Elimination of on-course and practice facility touchpoints (i.e. bag drop, benches, ball washes, bunker/sand trap rakes, rental equipment, and water coolers)
- Hand sanitizer and soap in all restrooms, including those on the course
 - Restrooms shall be sanitized regularly
- No indoor events or outside tournaments
- Restaurants can remain open for takeout only; all tables and chairs removed or flipped upside down to prohibit use
- Indoor facilities may be open for minimal operations for use by golf course workers to facilitate the outdoor recreation footprint and activity

Player Restrictions:

- Any players with any symptoms of COVID-19, should not play
- In addition, any players from a household with someone with symptoms of COVID-19 should not play
- Golfers must walk and carry own clubs; no caddies.
- Bring your own supply of balls, tees, ball markers, and any other equipment needed to play golf.
- Insist on social distancing on tees, greens, and throughout the round
- Players shall maintain adequate physical distancing between other twosomes.
- Golfers should pick up their own ball
- Handle your own scorecard
- Bring your own water/sports drink, towel, and snack
- Do not use the public drinking fountain or ball cleaner
- Leave the flag in place while putting
- Sort out the sand in the bunker with a club
- Put on your golf shoes at your vehicle
- Bring hand sanitizer with you and use during your round and at the end
- No handshakes at the beginning of the round or at the 18th hole

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EXHIBIT NAME: 4: Illinois DCEO Essential Business & Operations FAQ updated May 15, 2020**TITLE OF DOCUMENT THIS EXHIBIT BELONGS WITH:**Verified Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief and
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Submitted by: Derke J. Price / Ancel Glink, P.C.

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Illinois Department of Commerce & Economic Opportunity

JB Pritzker, Governor

Essential Businesses & Operations Frequently Asked Questions

UPDATED 5/15/20

[Executive Order 2020-32](#) issued a new Stay at Home Order effective May 1.

Summary of New Order



Businesses and activities that may increase services and operations:

- Non-essential retail stores may reopen to fulfill telephone and online orders through pickup outside the store and delivery. Employees working in these stores must follow the Social Distancing Requirements and must wear a face covering when they are unable to keep six feet distance from another employee or a customer.
- Greenhouses, garden centers and nurseries may operate as essential businesses, following the distancing requirements for essential stores.
- Pet Groomers are essential businesses.
- Golf courses can reopen if these [guidelines](#) are followed.
- Fishing and boating is permissible if these [guidelines](#) are followed.

Social Distancing Requirements for Essential Stores

Retail stores (including, but not limited to, stores that sell groceries and medicine, hardware stores, greenhouses, garden centers, and nurseries) designated as Essential Businesses and Operations under this Order shall to the greatest extent possible:

- provide face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times;
- cap occupancy at 50 percent of store capacity, or, alternatively, at the occupancy limits based on store square footage set by the Department of Commerce and Economic Opportunity;
- If possible, set up store aisles to be one-way to maximize spacing between customers and identify the one-way aisles with conspicuous signage and/or floor markings. The exception to one-way aisles is for front, back, and middle aisles;
- communicate with customers through in-store signage, and public service announcements and advertisements, about the social distancing requirements and requirement to wear a face covering as set forth in this Order (Social Distancing Requirements); and
- discontinue use of reusable bags.

Requirements for Essential Manufacturing

Manufacturers that continue to operate pursuant to this Order must follow Social Distancing Requirements and take appropriate precautions, which may include:

- providing face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times;
- staggering shifts;
- reducing line speeds;
- operating only essential lines, while shutting down non-essential lines;
- ensuring that all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing; and
- downsizing operations to the extent necessary to allow for social distancing and to provide a safe workplace in response to the COVID-19 emergency.

Requirements for all Businesses

All businesses must evaluate which employees are able to work from home and are encouraged to facilitate remote work from home when possible. All businesses that have employees physically reporting to a work-site must post the [guidance](#) from the Illinois Department of Public Health (IDPH) regarding workplace safety during the COVID-19 emergency.

What businesses and operations are considered essential?

EO 2020-32 identifies the following as essential businesses and operations:

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| <ul style="list-style-type: none">▪ Healthcare and Public Health Operations (includes businesses in the supply chain)▪ Animal care and grooming▪ Human Services Operations▪ Essential Infrastructure<ul style="list-style-type: none">○ Food production, distribution and sale; construction, building management and maintenance, airports, utilities, distribution centers, transportation.▪ Essential Government Functions<ul style="list-style-type: none">○ First responders, emergency personnel, law enforcement, safety and welfare.▪ Stores that sell groceries and medicine▪ Garden centers, greenhouses and nurseries▪ Food, beverage and cannabis production and agriculture▪ Charitable and social services▪ Media | <ul style="list-style-type: none">▪ Critical trades<ul style="list-style-type: none">○ Plumbers, electricians, exterminators, cleaning and janitorial staff, security, etc.▪ Mail, post, shipping, logistics, delivery and pick-up services▪ Educational institutions▪ Laundry services▪ Restaurants for consumption off-premises▪ Supplies to work from home▪ Supplies for essential businesses and operations▪ Transportation (airlines, taxis, ride-sharing)▪ Home-based care and services▪ Residential facilities and shelters▪ Professional services (legal, accounting, insurance, real estate)▪ Day care centers for employees exempted by the Executive Order |
|--|--|

- Gas stations and businesses needed for transportation
- Financial institutions
- Hardware and supply stores
- Manufacture, distribution, and supply chain for critical products and industries
- Critical labor union functions
- Hotels and motels
- Funeral services

My business is essential. Can I require my employees come to work?

- All businesses must evaluate which employees are able to work from home and are encouraged to facilitate remote work from home when possible.
- All businesses that have employees physically reporting to a work-site must post the [guidance](#) from the Illinois Department of Public Health (IDPH) regarding workplace safety during the COVID-19 emergency.
- The intent of the EO is to ensure that the maximum number of people stay home to avoid risk of infection to themselves and others. Even essential businesses and operations should promote telecommuting whenever possible.
- Consider alternating work schedules to minimize the number of employees in the office at the same time.
- To the greatest extent feasible, essential businesses and operations shall comply with social distancing requirements, including maintaining six-foot social distancing for both employees and members of the public at all times. They must also take the following practice measures wherever possible:
 - Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
 - Having hand sanitizer and sanitizing products readily available for employees and customers;
 - Implementing separate operating hours for elderly and vulnerable customers;
 - Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

I'm not sure if my business falls within one of those categories

Please read the Executive Order as it provides much more information of what businesses and operations are essential. If after this review you still are not sure, you can reach out to DCEO at 1-800-252-2923 or CEO.support@illinois.gov. Please be prepared to answer the following questions:

- What general industry are you in?
- What products do you make/what services do you perform?
 - What is the end use and who are the end users of your products or services?
 - Which specific medical or other essential business do you supply products or provide services to?
 - Is there a pending order or a routine schedule for shipments?
 - If you produce durable equipment, has demand for that equipment by essential businesses increased?
- Can any of your business functions be performed remotely?
- How many employees do you have?

- Can your employees work remotely?
- If some or all of the employees must be at the place of business, can operations be modified so that employees work in shifts (one week at home; one week at the place of business)?
- What is the physical layout of the facility where people work?
 - How will you be able to ensure proper distancing?
 - Do you have hand sanitizer available?
 - Are restrooms cleaned frequently and stocked with soap?
 - Where do employees eat? Is that cleaned frequently and is there room to social distance?
- Explain why you believe your business falls within one of the essential business categories.

General Questions

My business is not considered an “Essential Business,” does this order require the business to shut down my facility?

You and your employees are allowed to perform “Minimum Basic Operations” at your work place, so long as employees maintain a distance of six feet from one another to the greatest extent feasible. Minimum Basic Operations include maintaining the value of inventory, payroll, ensuring security, and ensuring that employees can work remotely. Additionally, retail stores not designated as Essential Businesses and Operations may re-open for the purposes of fulfilling telephone and online orders through pick-up outside the store and delivery.

Are there requirements for how to implement curbside pick-up and drop-off?

Non-essential retail stores may re-open for the purpose of fulfilling telephone and online orders through pick-up outside the store and delivery. To the extent feasible and to minimize contact, these orders should also be paid for online or over the telephone. Businesses are encouraged to schedule a pick-up or drop-off to ensure compliance with social distancing requirements. Staff within the business or facility should be limited to the minimum number of staff required to fulfill orders, and to the number that can safely practice social distancing. Customers should not enter the business or facility.

Can beauty salons and barbershops reopen under the new executive order?

No. These businesses cannot maintain the six-foot social distancing guidelines set forth in the Executive Order and should remain closed. However, these businesses may sell consumer products through online and telephone orders for curbside pickup or delivery.

My technology company provides products and services that the public needs to access critical services. Is my company being completely shut down?

No. However, most employees of such companies will need to work from home. Anyone who must work onsite to maintain “Essential Infrastructure” for the community or to maintain “Minimum Basic Operations” as described in the Order may continue to work in the workplace so long as they are maintaining social distancing.

Are tobacco/vape/CBD shops considered essential?

No. Retail tobacco, CBD and vape stores are not considered essential under the Executive Order.

Are stores that sell primarily vitamins and supplements but not medicine or other medications not requiring a prescription, considered essential businesses?

No. Stores that primarily sell vitamins and supplements, like GNC, do not fall within Section 12(a). These stores generally do not sell the types of food identified in that section, and vitamins and supplements are generally not considered medicine, or medications that do not require a medical prescription.

Are florists considered essential?

Florists are non-essential businesses, but they can process online and phone orders for curbside pickup and delivery.

Can people who reside in Illinois but perform manufacturing or supply chain work outside the state (where there is no such order in place) be able to travel to their jobs?

Yes. This order covers businesses in Illinois and their operations; it does not cover businesses that are located outside of Illinois.

Is photography an essential business?

Photography businesses will be permitted to operate in outdoor settings only. These outdoor shoots shall not exceed the 10-person limit. Photographers must ensure that they are maintaining 6-foot social distancing with clients during the photoshoot. Photography businesses may not have indoor photo shoots during the shelter-in-place order. There is no exception for special occasions, only gatherings of 10 people or less are permitted.

What are Minimum Basic Operations for a marina?

Minimum number of workers necessary to open marinas and harbors to boat owners. Workers necessary for the operation of safe harbors and marinas to provide refuge for boaters when conditions making boating on open water unsafe and operations related to safety services such as fuel, emergency dockage and sanitary pump-out stations and workers providing tender or boat transportation services. If there is a restaurant or other facilities that prepare and serve food, they may operate utilizing the restrictions contained in Section 12(l).

Are drive-in movie theatres permissible?

Drive-in movie theatres can operate on a limited basis. Cars must be parked in every-other spot to ensure a minimum six-foot distance between cars. Patrons are not allowed to sit outside of their vehicles to view the movie. To the extent possible, reservations and payments for the theatre should be made in advance online or over the phone. To the extent possible, concessions should be ordered online or over the phone and be available for curbside pickup. Restrooms should have sufficient soap and hand sanitizer, and shall be regularly sanitized. Drive-in theatres should also follow the social distancing guidelines set forth in the order.

May a horse that is boarded at a facility separate from where the owner lives be visited by the owner of said horse? Can they ride the horse for exercise?

Yes. Horses need exercise and to be “worked out” to keep their muscle. Minimum activity, such as riding the horses, is allowed. But, the stables should not be open as a business for sales or recreational opportunities.

Is a watch/jewelry repair store essential?

Watch and jewelry repair stores can operate in a similar fashion to non-essential retail stores. Customers can drop off the jewelry curbside to be repaired.

My business is non-essential. Can I have an employee come to the building each day to pick up the mail?

Yes. Retrieving mail is considered a minimum basic operation that non-essential businesses can continue to perform.

Would manufacturers that produce products for the transportation and construction sectors qualify under Sec. 12(t) of Essential Businesses? (e.g. supply products or parts for street/highway signs and construction sites)

This depends on how directly and closely linked the manufactured products are to critical infrastructure, public health, and/or essential businesses. You will need to answer additional questions such as: what products are you producing? Do you currently have orders to supply an essential business such as a restaurant, grocery store, or health care facility? Do you currently have orders to supply firms or governments that are building or maintaining critical infrastructure such as roads, railroads, airports, or electrical power plants? If after conducting an analysis guided by the questions above you are still not sure, you can reach out to DCEO at 1-800-252-2923 or CEO.support@illinois.gov.

Are car dealerships considered essential businesses?

Car dealerships can remain open for repair services. They can also remain open for car sales on an appointment-only basis. Showrooms must remain closed.

Can residential and commercial lawn service remain open?

Yes. Many landscape projects will fit under an exemption such as construction, agriculture, or public works. Outdoor landscape projects generally will provide for good social distancing that poses little risk of transmission, but it still is important to ensure the ability to wash or sanitize hands and take other precautions.

Is residential remodeling an essential business?

Generally yes, residential remodeling falls within Section 9 of the Executive Order. However, residential remodeling companies must ensure social distancing compliance during their work.

Are car washes considered an essential business?

Car washes where workers and customers are able to safely social distance, and following the other requirements of the Executive Order, are permissible.

Are moving companies considered essential?

Yes. They fall under Section 12(i) as shipping, delivery and pick-up services.

Are sprinkler contractors considered “essential business”?

Yes. Sprinkler contractors fall within Section 9 of the Executive Order as essential infrastructure (construction and building maintenance).

Are fire alarm system contractors and fire protection/suppression system contractors considered “essential businesses”?

Yes. Fire alarm and fire protection/suppression systems are deemed critical trades under Section 12(h) of the Executive Order as they ensure the safety of residences, Essential Activities and Essential Businesses and Operations

Are building security systems contractors considered “essential businesses.”

Yes. Building security systems contractors are deemed critical trades under Section 12(h) of the Executive Order as they ensure the safety of residences, Essential Activities and Essential Businesses and Operations.

Are businesses licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act deemed essential?

Yes. Section 12(h) provides that "security staff" is a critical trade and an essential business and operation that may continue in operation and is not subject to the stay-at-home directive. The Department deems private detectives, private detective PERCs, private alarm contractors, private alarm contractor PERCs, private security contractors, private security contractor PERCs, fingerprint vendors, canine handlers, locksmiths, locksmith PERCs, and security officers of a registered armed proprietary security force holding active licenses under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor and Locksmith Act to be "security staff" as referenced in Section 12h of the Executive Order and not subject to the stay-at-home directive.

Are bicycle shops considered essential?

Yes. Bicycle shops are deemed essential under 12(e) of the Executive Order.

Can doggy daycares remain open?

Yes. Kennels are deemed essential under section 12(b) of the Executive Order and doggy daycares, by extension, are also deemed essential.

Are real estate open houses and showings permitted?

It depends. Open houses are not permitted. Showings of occupied rental properties are not permitted. Showings of vacant or owner-occupied units are permitted if necessary and scheduled in advance (virtual showings are preferred) but limited to no more than 4 people. For additional guidance for Real Estate Licensees, [click here](#).

Are stores that sell primarily cosmetics and beauty supply stores considered essential?

No. Stores that sell primarily personal care products are not considered essential under Section 12(a). These stores can fulfill online and telephone orders for curbside pickup and delivery

Are campgrounds and KOAs deemed essential?

Generally no. Campgrounds and RV parks (example: Kampgrounds of America) are considered recreational activities and are not essential. However, if a campground or RV park is your primary residence, then the campground or RV park can remain open as lodging (if sole or primary residence).

Are power washing businesses permitted?

Yes. Power washing businesses are considered essential. The business assists with sanitation of structures for owners.

Can I alternate my “staying at home” between my primary home and my vacation property?

No – traveling back-and-forth to a vacation home is not Essential Travel.

Are chiropractors considered essential?

Yes. Chiropractors are included in Section 7 of the Executive Order (Healthcare and Public Health Operations).

Are massage therapists considered essential?

No, unless the massage treatment is being performed pursuant to a physician’s order.

Who is responsible for enforcing the Executive Order?

State and local law enforcement are charged with enforcing the Executive Order.

Are firefighting and EMT trainings essential services?

Yes.

Can ecological restoration be performed, contracted, or managed by a government agency, like a forest preserve district, conservation district or park district under the executive order?

Yes. Ecological restoration projects will fit under an exemption such as construction, agriculture, landscaping or public works. Ecological restoration projects generally will provide for good social distancing that poses little risk of transmission to staff or the public, but it still is important to follow all recommend protocols, including but not limited to wearing a mask, wash or sanitize hands and maintain social distancing.

Are automobile and auto part manufacturers considered essential?

Yes. These businesses fall under Sections 12(o)&(t) of the Executive Order. These businesses must comply with the requirements for manufacturers set forth in Section 1.4 of the Executive Order and identified above.

Can outdoor gun ranges open to the public?

Outdoor gun/shooting ranges can open to the public, with restrictions. These businesses must employ the minimum number of staff necessary to maintain operations, including the range master. Congregating areas and the clubhouse must remain closed. Businesses must place social distancing by signage or other means to mark distances between users. Customers must be spaced at a minimum every other station or booth to comply with social distancing. The maximum number of customers permitted in the shooting area is half the total number of shooting booths/stations that are located at the range.

What about indoor gun ranges?

Indoor ranges should not be open to the public. However, these ranges may be used for law enforcement training and certification purposes.

Can tennis facilities open?

Indoor tennis facilities should remain closed. The local health department and/or the municipality can determine if public tennis courts (i.e. park districts) or private tennis courts (i.e. country clubs) can operate. Outdoor tennis courts, if open, should not be used for group tennis lessons. However, one-on-one tennis lessons at an outdoor court, if open, are permissible.

Can live music venues operate?

Live music venues should remain closed to the public. However, these venues may re-open for the limited purposes of recording performances or streaming them to the public with no live audience present. These limited activities are considered to be Minimum Business Operations under the Governor's Executive Order. Employees, performers, and sound engineers working in the venue must follow Social Distancing Requirements, keeping the maximum distance possible (more than six feet) especially for any singing, and must wear a face covering when they may come within six feet of another person. The total number of employees, performers, and sound engineers present during any recording or streaming session must not exceed 10.

Energy Sector FAQs

Will public utilities and other utility service providers be subject to movement and business operations restrictions?

- The energy sector maintains multiple types of facilities that must remain operational for the remainder of the duration of the Gubernatorial Disaster Proclamation.
- Individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair “Essential Infrastructure,” including the operations and maintenance of electrical generation, provided that they carry out those services or that work in compliance with Social Distancing Requirements.
- The definition of Essential Businesses and Operations in Governor Pritzker’s Executive Order is meant to encompass the workers identified in the Memorandum issued by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency, on March 19, 2020, which can be found here: <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>
- Utilities should prioritize essential services and use best judgement when deciding to proceed with infrastructure upgrades and movement and business operations.

How should essential employees identify themselves? Will they be able to present their company badges to law enforcement and allowed to proceed home or to work? How will this be communicated to local law enforcement?

- Law enforcement officials should not stop residents who are on their way to or from work.
- To preserve public health and safety throughout the state and ensure that our healthcare delivery system is capable of serving those who are sick, we recommend that utilities identify absolutely essential staff – those who ensure basic power plant operations and cannot do their work remotely.
- Individuals that are not subject to movement and business operations restrictions should wear appropriate badging (where available) and carry company identification (if available).
- Individuals may also display other documentation or orders that clearly indicate their role or purpose matches the exceptions to any movement and business operations restrictions.

Is the state prioritizing power plants with supply chain needs, for items such as cleaning supplies and surgical masks?

- The state's reserve of personal protective equipment (PPE) is currently prioritized for health care workers and first responders.

What is the protocol for commercial transportation if mechanical equipment is needed for power plant operations?

- “Essential Travel” includes any travel related to the provision of or access to Essential Activities.
- Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in the Executive Order.
- Transportation of mechanical equipment necessary for plant operations will still be allowed.

Will rail carriers be subject to the movement and business restrictions?

- Individuals employed by, contracted with, or operating on behalf of railroads are not subject to the movement and business operations restrictions when providing products and services necessary to maintain safe and efficient train operations in the furtherance of community relief and sustained supply chains.

Will the vendors or contractors relied upon by public utilities and other utility service providers be subject to movement and business operations restrictions?

- Individuals employed by or working on behalf of establishments that provide parts, repair and service, fuel, security, or other products or services necessary for the operation of “Essential Infrastructure” or electrical generation are not subject to these restrictions.
- This includes, but is not limited to, individuals employed by entities that sell any of the following to essential businesses or infrastructure: IT and telecommunication equipment; electrical, plumbing and heating material; automotive fuel; domestic fuel.

What other guidance do you have for utility companies and their workers?

- If you must do work at a customer’s home, practice social distancing.
- If you are sick and have respiratory symptoms, such as fever, cough, and shortness of breath, stay home unless you need medical attention. Remain in your home until you feel better and have no symptoms.
- Keep in mind there is no treatment for COVID-19 and people who are mildly ill can isolate at home. While at home, as much as possible, stay in a specific room and away from other people.
- Those who need medical attention should contact their health care provider who will evaluate whether they can be cared for at home or need to be hospitalized.
- Additional guidance can be found on IDPH's site: <http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus>

Will collateral recovery agencies be subject to the movement and business restrictions?

- Yes. Under the Governor’s Executive Order 2020-16, repossession of vehicles has been deemed contrary to the interest of preserving public health and should be suspended while the Order is in effect.

Will relocation towing be subject to the movement and business restrictions?

- Relocation towing from private property may only occur in relation to maintaining the essential operation of residences, activities, and businesses and operations as defined under the Executive Order.

Will safety towing of damaged or disabled vehicles from public roadways be subject to the movement and business restrictions?

- No. Towing damaged or disabled vehicles from public roadways is necessary for essential travel.

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

Naperville Park District

Plaintiff,

v.

Governor Jay Robert Pritzker

Defendant,

2020 CH

Case Number

File Stamp Here

EXHIBIT COVER SHEET

Local Court Rules 5.06 and 5.09

EXHIBIT NAME: 5: Affidavit of Rich Janor, President of Naperville Park District Board of Commissioners**TITLE OF DOCUMENT THIS EXHIBIT BELONGS WITH:**Verified Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief and
Declaratory Judgment Against Governor Jay Robert Pritzker**Document File Date:** May 19, 2020*(The file date of the document this exhibit belongs with)***EXHIBIT FILED ON BEHALF OF:** Plaintiff, Naperville Park District*(Case Party Name)*

Submitted by: Derke J. Price / Ancel Glink, P.C.

Name: Derke J. Price / Ancel Glink, P.C. ☐ Pro Se

DuPage Attorney Number: 1300

Attorney for: Plaintiff

Address: 140 South Dearborn Street, Suite 600

City/State/Zip: Chicago, IL 60603

Telephone Number: (312) 782-7606

Email: dprice@ancelglink.com

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

NAPERVILLE PARK DISTRICT,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No.
)	
GOVERNOR JAY ROBERT PRITZKER,)	
In his official capacity,)	
)	
<i>Defendant.</i>)	

AFFIDAVIT OF RICH JANOR

Rich Janor, after being duly sworn, and upon his oath, states as follows:

1. I am over 18 years of age, and the statements made in this affidavit are based on my personal knowledge. If called to testify, I could competently testify to the facts stated herein.
2. I am the President of the Naperville Park District Board of Commissioners. I was first elected to the office of Park Board Commissioner in April, 2011, and have served without interruption since that time.
3. The NAPERVILLE PARK DISTRICT is an Illinois unit of local government, body corporate and politic, formed and acting under the Illinois Park District Code, 70 ILCS 1205/1-1 *et seq.* (hereafter the “Park Code”) in DuPage and Will Counties, Illinois, serving more than 140,000 residents. The Park District has jurisdiction over 136 parks covering more than 2,400 acres. Among the facilities of the Park District are two, 18-hole golf courses, the Fort Hill Activity Center (a community hub for fitness, sports and wellness activities), the Knoch Knolls Nature

Center and Seager Park Interpretive Center, a wide variety of sports courts, fields and trails, the historic and unique Centennial Beach aquatic facility, the Naperville Riverwalk, and many free seasonal events and activities held annually for the benefit of all residents.

4. The mission of the Naperville Park District is to “provide recreation and park experiences that promote healthy lives, healthy minds and a healthy community.” We take the mission of the Park District seriously and seek to promote health in all aspects.

5. The Naperville Park District recognizes that the challenges to public health presented by COVID-19 require “an evolving response.” The Naperville Park District also recognizes that our community and neighboring communities have experienced an increase in serious health issues emanating from the COVID-19 pandemic and the isolation required to slow its spread and flatten the curve. These health issues emanating from COVID-19 include (but are not limited to) increases in child abuse, domestic violence, depression, substance abuse, and suicide.

6. Specifically, I am aware that on April 23, 2020 the Chicago Tribune, citing an article published in JAMA entitled “Suicide mortality and Coronavirus Disease 2019—A Perfect Storm,” reported that the coronavirus pandemic creates a greater risk of suicide. The Tribune Article can be found here: <https://www.chicagotribune.com/coronavirus/ct-life-coronavirus-pandemic-suicide-concerns-tt-20200423-fpf7opllirauve77gbzgqx6e4u-story.html>.

7. I have also reviewed the article from JAMA, which can be found here: <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2764584>. Both articles referred to the social isolation that accompanies efforts to flatten the curve such as the closure of community centers and places of worship. The April 23, 2020 Tribune article also reported on the link between

the increased risk of suicide and the uptick in domestic violence occurring during the COVID-19 pandemic.

8. On the same day, the University of Utah Health System reported that alcohol sales were up 55% across the nation due, in part, to the isolation and stress associated with the COVID-19 pandemic. The University of Utah report can be found here: https://healthcare.utah.edu/the-scope/shows.php?shows=0_p0xim6x3.

9. I have also received a copy of an email, dated May 11, 2020, sent by the City of Naperville's Chief of Police, Robert Marshall, to the Chairman of Edgewood Clinical Services (a true and correct copy of which is attached hereto as Exhibit A) reporting that Naperville has experienced a 6.48% increase in domestic disturbance calls and a 27.74% increase in domestic violence calls (as measured January through April compared to January through April, 2019).

10. I am also aware that ABC News 7 reported on May 12, 2020 that neighboring Kane County is reporting a 139% increase in the number of juvenile abuse and neglect cases reported in March and April of this year compared to the same time last year. The ABC News 7 report can be found here: <https://abc7chicago.com/health/child-abuse-cases-increase-during-stay-at-home-order/6176785/>

11. I am also aware that the CDC lists promoting social connectedness through community involvement and activities like organized recreation and creating protective environments that reduce dependency on alcohol as strategies and approaches that can help prevent suicide. See, <https://www.cdc.gov/violenceprevention/suicide/prevention.html>. Likewise, Prevent Child Abuse America (the national organization headquartered in Chicago and founded in 1972) publishes its "Parenting Tip of the Week" and one such "Tip" emphasizes the importance of parents going outside and playing with their children. Citing the American Academy of Pediatrics,

Prevent Child Abuse America states that play is an essential part of child development because play contributes to the cognitive, social and emotional well-being of children and youth. The U.S. Department of Health recommends that children between ages 6 and 17 get at least 60 minutes of physical activity per day. One way to accomplish this, according to Prevent Child Abuse America, is “to sign your children up for a rec league.” This Tip may be found here: <https://preventchildabuse.org/resource/parenting-tip-physical-activity/>

12. I am also aware of the CDC’s guidance to park and recreation administrators in response to the COVID-19 pandemic encourages a balance between serving the community’s need for physical activity and continuing the practices necessary to slow the spread of the virus: “Parks, trails, and open spaces can provide opportunities for physical activity while also providing opportunities for respite, health, and wellness. Individuals are encouraged to use parks, trails, and open spaces safely as they are able while following current guidance to prevent the spread of COVID-19.” That guidance may be found here: <https://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/park-administrators.html>.

13. I have read the DCEO guidelines for golf requiring that all driving ranges be closed and that all courses prohibit foursomes and the use of golf carts. I am also aware that the CDC has provided no specific restrictions or specific guidelines for golf whatsoever. Moreover, national organizations—such as the Golf Course Superintendents Association of America (“GCSAA”)—have compiled a very different set of guidelines for healthy and safe golf course operations in response to the COVID-19 pandemic that permit driving ranges, foursomes, and carts with modified operations in response to COVID-19. (A true and correct copy of the GCSAA guidelines is attached hereto as Exhibit B)

14. I am also aware of how other states across the country that have modified the rules of play and the procedures implemented to combat COVID-19 for organized sports. Attached hereto as Exhibits C and D are 2 such examples from Ohio and Nebraska.

15. There is a balance to be struck between the social distancing needed to slow the spread COVID-19 and the opportunities for recreational activity needed to keep individuals healthy and combat child abuse, domestic violence, depression, substance abuse, and suicide. The Naperville Park District is engaging medical and mental health professionals to help design the manner of play, sanitation protocols, and other guidance for the use of our parks and for our programs. With their assistance, the Park District believes that it may be able to provide additional recreational opportunities to its constituents at its golf courses, tennis courts, Centennial Beach and the Fort Hill Activity Center while adhering to the social distancing guidelines of the CDC, but EO 32 and the guidance issued by DCEO prevent the Park District from making these decisions and offering these essential services.

16. For example, the Fort Hill Activity Center contains 16,515 square feet of open gym space, 3 multi-purpose activity classrooms each of which is no less than 1,000 square feet, and another 9,000 square feet of multipurpose studio space. These are ample size spaces for allowing small group activity in accordance with the social distancing requirements set forth elsewhere in EO 32 and the general safety precaution guidelines issued by both the Illinois Department of Public Health and the CDC. Attached hereto as Exhibit E are the floor plans for Fort Hill showing the spaces available for small group instruction and play.

17. There are decisions about how to safely use the facilities of the Park District that need to be made that involve the exercise of discretion and judgment. The Naperville Park District

Board of Commissioners stands ready to exercise its statutory authority to make those decisions,
but the Board has been thwarted in our efforts to do so by Governor Pritzker, EO 32 and DCEO.

FURTHER AFFIANT SAYETH NOT



Rich Janor

Subscribed and sworn to before me
This 19th day of May, 2020



Notary Public



Below is the email from Chief Marshall for Naperville stats.

Adam Russo, LCSW
Chairman & CEO
Edgewood Clinical Services
630.428.7890 x303

CONFIDENTIALITY NOTICE: This transmission may contain confidential information, some or all which may be protected health information as defined by the federal Health Insurance Portability & Accountability Act (HIPAA) Privacy Rule. This transmission is intended for the exclusive use of the Individual or entity to whom it is addressed and may contain information that is propriety, privileged, confidential and/or exempt from disclosure under applicable law.

----- Forwarded message -----

From: Marshall, Robert <MarshallR@naperville.il.us>

Date: May 11, 2020, 11:01 AM -0500

To: Adam Russo <arusso@edgewoodservices.com>

Subject: RE: survey

Adam-

There is a 6.48% increase in domestic disturbance calls and a 27.74% increase in domestic violence calls-we use a comparison from 2019-2020-January through April.

Hope this helps-

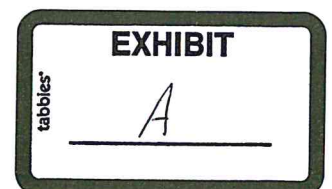
Robert W. Marshall

Chief of Police

Naperville Police Department

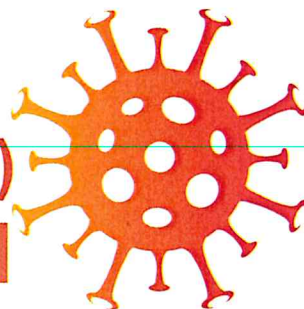
1350 Aurora Avenue

Naperville, IL 60540



GUIDELINES FOR CORONAVIRUS (COVID-19)

INFORMATION FOR YOU AND YOUR GOLF FACILITY



The average golf course offers

150 acres

of open land space that can provide a vital recreational opportunity during this difficult time.



GCSAA COVID-19 GUIDELINES FOR GOLF COURSES

The COVID-19 (Coronavirus) Pandemic has affected health and daily lives around the world. Local, state and federal agencies have enacted numerous measures to stem the spread of the disease. While many golf courses have provided an outdoor recreational refuge for many, they are not immune from mandated closures or from having the virus spread among their staff or patrons.

GCSAA has compiled tactics and information to help your facility navigate best practices for dealing with the epidemic while keeping your course an outdoor option for your community.

WHAT YOU CAN DO

1

FIRST STEPS IN ANY CRISIS

Prepare – Know your operations, your systems and your processes. Formulate a plan of action that is clear and allows all your employees to abide by the standards. Having this plan in place lets you act quickly and address any questions from customers, media or lawmakers with accuracy.

Review – Gather your key team members together to make sure everyone is on the same page, including your golf professional and general manager. Work to establish to keep everyone updated and informed throughout the process.

Connect – Whether you are letting golfers know the status of your operation or answering media inquiries, now is a great time to make connections, even if they aren't in person. Introduce yourself via email, social media or other outlets to let them know you are here for them and can offer a bright spot in an otherwise stressful time. Distribute any updates in a timely and concise manner and identifying a spokesperson for your facility can make sure a consistent message is shared. GCSAA has many resources to help you with public and media relations. www.gcsaa.org/pandemic

Develop – Organize a reference file (physical or virtual) for dealing with the crisis. It can be clearing house for you and your staff in dealing with the issues you are facing in the "new normal." In addition, it's a good way to have easy access to basic information about your operation that you can share with others like the basic facts about course, the measures you are taking to comply with virus-related recommendations, and how you are using best management practices when normal operations resume. GCSAA has established templates to assist you. www.gcsaa.org/pandemic



2

MAKING RISK LESS RISKY

Identify any risks to your operation that may be a result of current events. Once you identify risks, you can work with your key-decision makers to develop a plan to identify the likelihood of each risk factor and apply possible solutions. Some of the issues you may face are:

- Loss of revenue due to mandated closures or reduction in golfers
- Increased expenses in order to comply with new restrictions and rules
- Damage to the golf course due to reduced maintenance
- Disruption with supply chains
- Staff not being paid
- Staff getting sick in the epidemic

!

While GCSAA has transitioned to remote operations during the pandemic, all GCSAA services are still available.

Call 800-472-7878 or email mbrhelp@gcsaa.org for general assistance, or visit www.gcsaa.org/ contact to reach out directly to a staff member.

EXHIBIT

tabbles

B

3

TAKE PREVENTIVE MEASURES NOW

If you are still operating, you can take some of the following steps that golf courses around the country are implementing to halt the spread of the virus:

- Maintain 6 ft social distancing at all times
- Increase communication with your team. Utilize apps such as WhatsApp or GroupMe
- Adjusting break/lunch times to limit contact between employees
- Consider setting up seating areas outside for employees to take breaks and lunch
- Eliminating time clocks or assigning management/one individual the responsibility of punching employees in/out
- Hold team meetings outside or in the equipment maintenance area
- Supply gloves to your team
- Assigning staff pieces of equipment/carts to eliminate sharing between employees
- Place hand sanitizer throughout the maintenance area
- Sanitizing touchable surfaces/carts/equipment/bathrooms/breakrooms daily (or multiple times a day)
- Sanitize all hand tools
- Adjusting management practices (reducing mowing, cultural practices, etc.)
- Increasing the time between tee times
- Removing all touchable surfaces (flagsticks, bunker rakes, water coolers, ball washers, etc.)
- If you leave the flagstick in raise the cup 1", turn the cup upside down, use something to fill the cup to raise the bottom of the cup
- Enforcing one golfer per cart policy
- Providing golfers with sanitizing wipes/bottles if available
- Sanitizing golf carts after each round
- Altering range practices to comply with social distancing



4

GOLF IS IN THIS TOGETHER

With the current practice of social distancing, it can seem like you are all alone at your course. However your GCSAA family and the greater golf community are here for you.



Reach out to other superintendents –

Find out how they are facing challenges, share resources if supplies are running low and have a united front in the community. If one course closes, could you have a reciprocal relationship with them? Could their laid off employees fill in for yours who may be sick or home with family? Now is the time to show the strength and camaraderie of the golf industry,

Stay in touch with your chapter – While chapter meetings are on hold as large gatherings are banned, check in with your chapter. See how you can other members in need or how they can assist you.

GCSAA has myriad resources to help you – GCSAA is here and fully operational to help you through the crisis. Whether you are taking advantage of our catalogue of free online webinars, calling your local field staff representative to discuss issues in your region or keeping up to date on the state of industry. GCSAA is still here for you.



ADDITIONAL RESOURCES

CDC:

<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

OSHA:

<https://www.osha.gov/>

World Health Organization:

<https://www.who.int/>

GCSAA COVID-19:

gcsaa.org/pandemic



Responsible RestartOhio

Baseball and Softball



Mandatory

Arrival to Venue

- **All participants, spectators, and employees must adhere to six-foot physical distancing while at the facility/course.**
- Must conduct daily symptom assessments by coaches and players (self-evaluation). Anyone experiencing symptoms must stay home.*
- No team water coolers or shared drinking stations.
- Compliant game balls must be designated to each team for use while that team is playing defense.
- Prior to competitive tournaments, event owners must alert the local health department of the event.
- These requirements must be shared prior to the event with all players, coaches, spectators, officials, and employees prior to their arrival at the venue.

Recommended Best Practices

- Digital check-in and registration for all events.
- Lineups should be entered online or by spoken word and recorded by officials/umpires without exchanging any physical documents with coaches or players.
- Athletes are strongly recommended to travel to the venue alone or with a member of their immediate household.

Practice

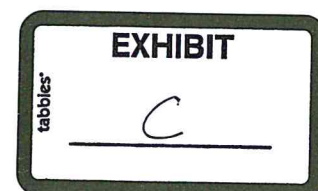
- **Coaches and players must adhere to physical six-foot distancing except when the ball is in play.**
- Coaches must wear face coverings at all times.
- Athletes must wear face coverings at all times while not actively participating in the field of play.
- Must conduct daily symptom assessments by coaches and players (self-evaluation). Anyone experiencing symptoms must stay home.
- No team water coolers or shared drinking stations.

- Face coverings are strongly recommended for any spectators.
- For each practice session, it is recommended that coaches divide players into groups and establish rotating shifts when possible.
- Athletes should bring individual water containers.
- Virtual meetings should be considered when possible.
- Athletes are strongly recommended to travel to the venue alone or with a member(s) of their immediate household, if possible. Face coverings are strongly recommended for individuals traveling to and from the venue.
- Whenever possible, equipment and personal items should have proper separation and should not be shared. If equipment must be shared, proper sanitation should be administered between users.

Athletes

- **Must adhere to six foot social distancing practices off the field of play.**
- Must wear face coverings at all times when not actively participating in the field of play.
- Must conduct daily symptom assessments by coaches and players (self-evaluation). Anyone experiencing symptoms must stay home.*
- Must not share water or equipment. Belongings should be used only by the individual owner or operator including, but not limited to water bottles, gloves, bats, hats, and other on- and off-field gear.
- No touch rule – players should refrain from high fives, handshake lines, and other physical contact with teammates, opposing players, coaches, umpires, and fans. A “tip the cap” can be used following the game in lieu of the handshake line.
- No spitting or eating seeds, gum, other similar products.

- Hand washing or hand sanitizing, in the absence of soap and water, are strongly recommended for athletes during the games.
- Whenever possible, equipment and personal items should have proper separation and should not be shared. If equipment must be shared, proper sanitation should be administered between users.



* Per the CDC, symptoms include cough, shortness of breath or difficulty breathing, fever, chills, repeated shaking with chills, muscle pain, headaches, sore throat, and new loss of taste or smell.

Mandatory

Recommended Best Practices

Spectators

- **Must adhere to six foot social distancing practices. This includes in and around bleachers for anyone not in the same family.**
- Must conduct daily symptom assessments (self-evaluation). Anyone experiencing symptoms must stay home.*
- Must not enter player areas (on the field of play or bench areas).
- Must keep six-feet or more distance from the backstop.

- Strongly recommended to wear face coverings at all times.
- Hand washing or hand sanitizing, in the absence of soap and water, is recommended strongly during the games.

Coaches

- **Must adhere to six-foot social distancing practices.**
- Must wear face coverings at all times.
- Must conduct daily symptom assessments by coaches and players (self-evaluation). Anyone experiencing symptoms must stay home.
- No spitting or eating seeds, gum, or other similar products.
- No touch rule – coaches should refrain from high fives, handshake lines, and other physical contact with teammates, opposing players, coaches, umpires, and fans. A “tip the cap” can be used following the game in lieu of the handshake line.
- Must ensure that players are following COVID-19-related prevention measures included herein.

- Coaches should ensure the players are adhering to social distancing in dugouts and other seating areas and wearing face coverings while not actively participating on the field of play.
- Whenever possible, equipment and personal items should have proper separation and should not be shared. If equipment must be shared, proper sanitation should be administered between users.

Umpires/ Officials

- **Must adhere to six-foot social distancing practices when interacting with players, coaches, and spectators off the field of play.**
- Must conduct daily symptom assessments (self-evaluation). Anyone experiencing symptoms must stay home.
- Must wear face coverings at all times.
- Must avoid exchanging documents or equipment with players, coaches, or spectators.

- Digital check-in and registration for all events.
- Umpires calling balls and strikes should allow adequate distance behind the catcher while still able to perform their duty.

Leaving the Venue

- Individuals should not congregate in common areas or parking lot following the event or practice
- Umpires should adhere to social distancing practices when interacting with players, coaches, and spectators off the field of play.
- Individuals should not exchange items.

- Team meetings should occur virtually or over the phone rather than in a team huddle.
- Athletes are strongly recommended to travel to the venue alone or with a member(s) of their immediate household, if possible. Face coverings are strongly recommended for individuals traveling to and from the venue.
- Team meals should only occur in compliance with the guidelines issued for restaurants in the state of Ohio.

Confirmed Cases

- Immediately isolate and seek medical care for any individual who develops symptoms.
- Contact the local health district about suspected cases or exposure.
- Organizer must maintain a complete list of coaches, players, and employees present at each event to include the date, beginning and ending time of the event, plus name, address, and phone contact to be made available upon request from local health district.

- Work with local health department to identify potentially infected or exposed individuals to help facilitate effective contact tracing/notifications.
- Once testing is readily available, test all suspected infections or exposures.
- Following testing, contact local health department to initiate appropriate care and tracing.

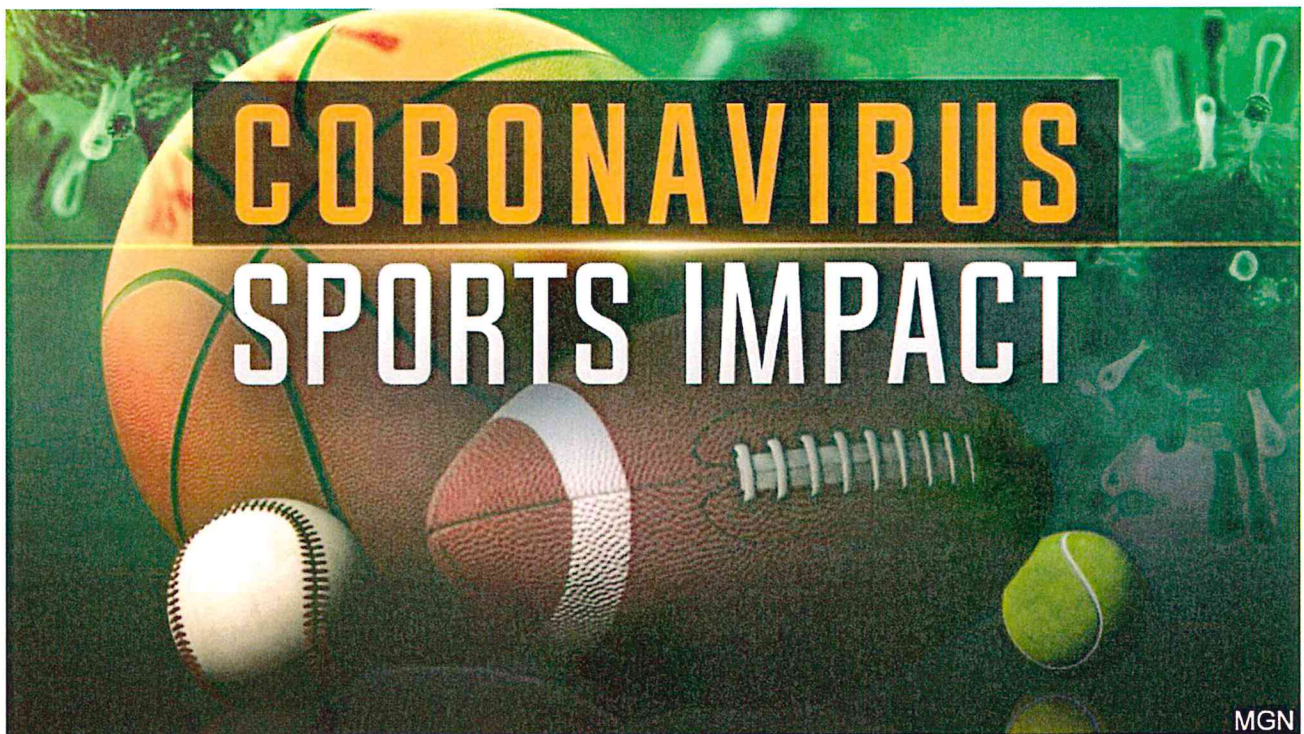
* Per the CDC, symptoms include cough, shortness of breath, difficulty breathing, fever, chills, repeated shaking with chills, muscle pain, headaches, sore throat, and new loss of taste or smell.



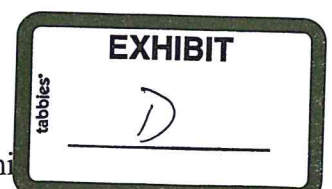
Baseball and softball to be allowed in June; other youth sports guidelines announced

Violation of these rules may mean a team is prohibited from practicing or playing games for the entire season.

May 11, 2020 2:48 pm by Brent BonFleur (<https://www.klkntv.com/author/bbonfleur/>)



The below guidelines lay out the planned reopening of certain youth sports. Additional guidelines for other sports will be provided as it is determined participation in those sports meet health and safety measures. Violation of these rules may mean a team is prohibited from practicing or playing games for the entire season.



A Lincoln softball coach we talked to say they are eager to get started.

"It's bittersweet, it was exciting because we were really excited that we got the go ahead, we got to play softball this year and I know there was a lot of anxiety made, what if we don't get to play at all this summer," said Lincoln Girls Softball Coach, Lizzie Dunavin.



Born Before 1955?

Seniors are entitled to the 9 bene
most forget to claim them.
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Dunavin says she really feels for the seniors, their season cut short.

The below guidelines apply only to team sports. Individual sports such as golf and tennis (including doubles tennis) are not prohibited under any Directed Health Measure, however, participants must practice social distancing.

"It's so sad, I miss my girls so much and I know for some of my girls, this is their last season playing ever," said Dunavin.

The hope that they will have some sort of season is keeping Dunavin and her team motivated.

Month of May

- No organized team sports games for youth and adults
- No organized team sports practices for youth and adults. This prohibition includes any practice, training or group exercise program organized by a coach of a sports team.
- Businesses and organizations that provide sports training AND that sell memberships to provide such training are allowed to offer sports training as long as they follow the same guidelines as fitness centers/clubs, gymnasiums, health clubs, and health spas. No team organized training is allowed.

June 1

- Schools are permitted to open weight rooms for use by all student athletes as long as they follow the same guidelines as fitness centers/clubs, gymnasiums, health clubs and health spas.
- Team organized practices for baseball and softball may begin unless circumstances dictate a change in date.
- Dugout use will not be allowed. Players' items should be lined up against a fence at least six feet apart.
- Parents must remain in their cars or drop off and pick players up afterwards.
- Players should use their own gloves, helmets, and bats as much as possible.
- Coaches are responsible for ensuring social distancing is maintained between players as much as possible. This means additional spacing between players while playing catch, changing drills so that players remain spaced out, no congregating of players while waiting to bat.
- Players must bring their own water/beverage to consumer during and after practice. No shared drinking fountains or coolers.
- Players must bring their own snacks to consume during and after practice. No shared/communal snacks.
- Coaches must sanitize shared equipment before and after each practice.
- Team organized practices for other sports may remain suspended.

June 18

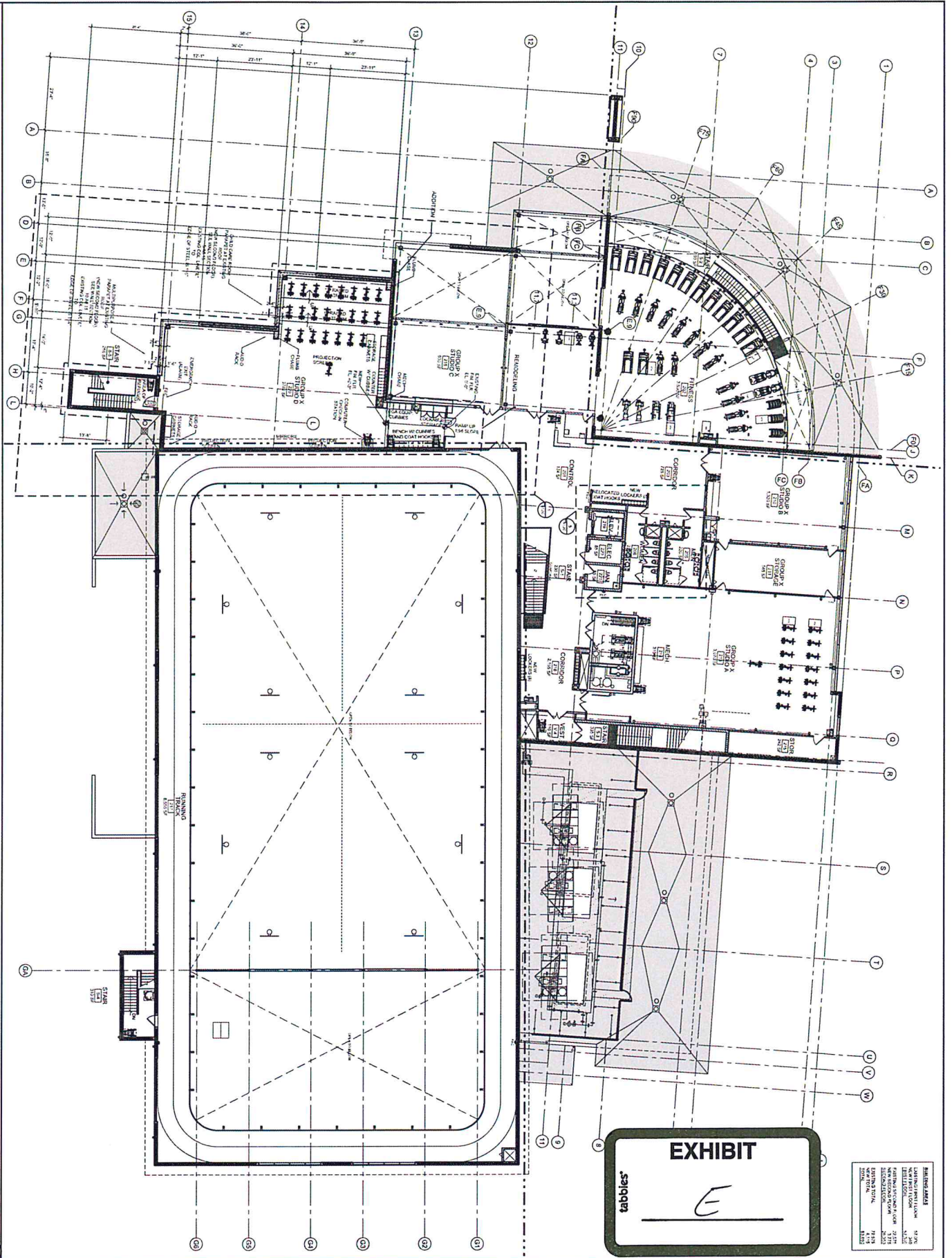
- Baseball and softball games may begin unless circumstance dictate a change in date.
- Same guidelines apply as above for baseball and softball practices.
- Use of dugouts is permitted during games only. Bleachers located between the dugout and home plate should also be used to spread out players. Players should have designated spots to place their personal items. Coaches must designate an adult who is responsible for ensuring players are seated on the benches unless they are actively participating in the games.
- Players should use their own gloves, helmets, and bats as much as possible.
- Fan attendance is limited to household members of the players on the team. No use of bleachers for fans. Fans must bring their own chairs or stand. Fans should keep six

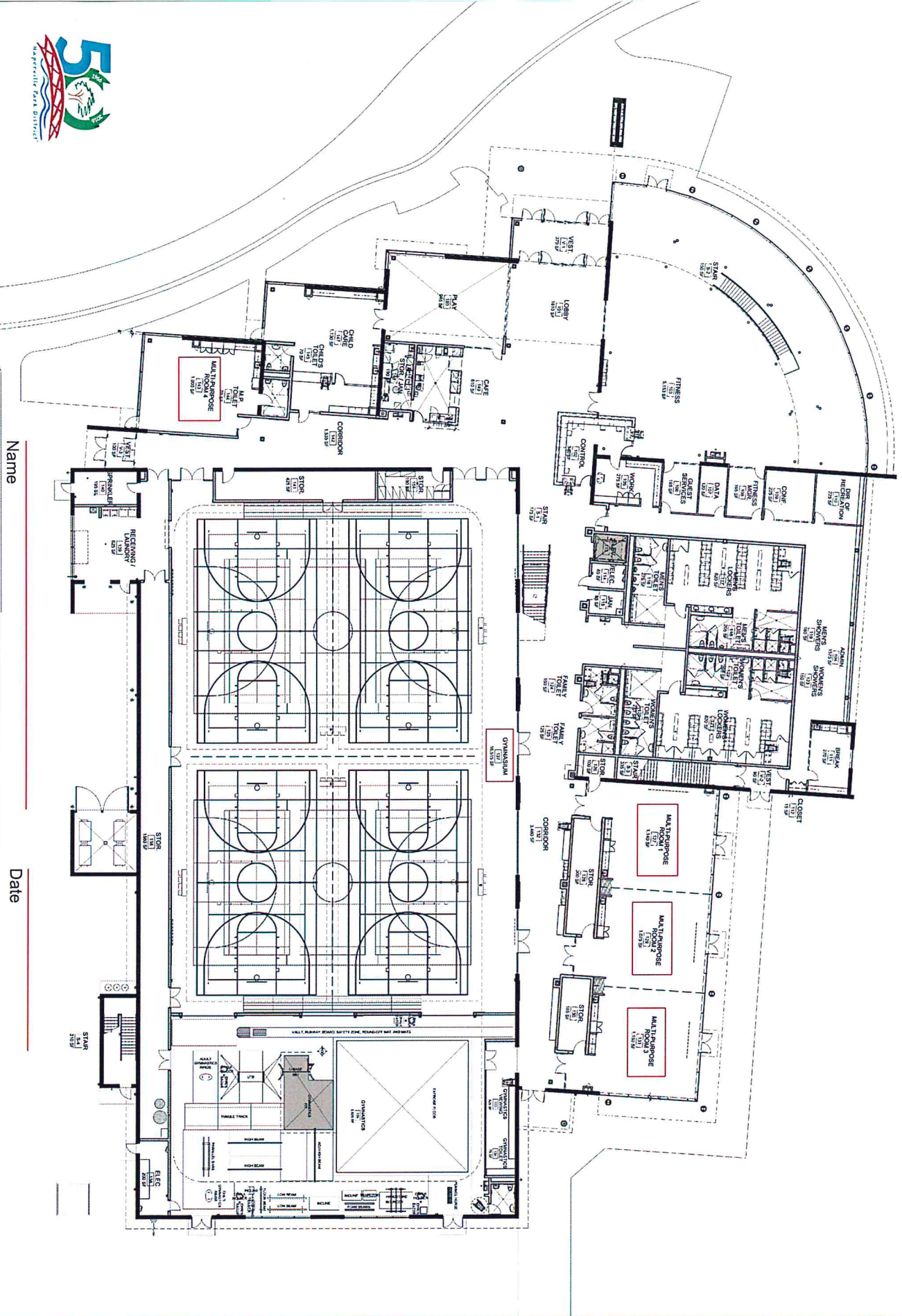
feet of social distancing between different household units. No fan seating or standing is allowed in the area from behind home plate to six feet past the far end of each dugout.

- Teams to play next must be provided designated areas for player warm-ups that provide for necessary social distancing.
- Post-game handshakes or interaction between teams is prohibited.
- When games end, the leaving team must sanitize their dugout area. No post-game talks at the field are permitted. Fans and players must leave the playing area and return to their cars immediately after the game.
- The team to play next must remain in their designated warm up area until the prior team has finished sanitizing and is completely out of the dugout.
- Fans for upcoming games must remain in their cars during player warm ups. They will be permitted to come on the field once the team they are there to watch enters the dugout area.
- Restrooms must be cleaned and sanitized regularly while players and fans are present. Markings should be placed on the ground to ensure people waiting to use the restroom are spaced six feet apart.
- Players must bring their own water/beverage to consume during and after practices and games. No shared drinking fountains or coolers.
- Players must bring their own snacks to consume during and after practice/games. No shared/communal snacks.
- Coaches must sanitize shared equipment before and after each practice and game.
- Concession stands are not allowed to be open.
- Team organized practices and games for other sports may remain suspended.

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