

## Rockford region's COVID-19 positivity rate moving in wrong direction

By Corina Curry

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### Winnebago County Health Department taking enforcement action against 13 businesses, investigating dozens more

ROCKFORD — The Rockford region's COVID-19 test positivity rate is moving in the wrong direction to get itself removed from the list of places required to operate under additional state restrictions.

Since additional COVID-19 mitigation rules went into effect Saturday, the region's positivity rate has gone up instead of down. Positivity rate is a key measurement the state uses to determine whether a region can remain in Phase 4 of Restore Illinois, the state's plan for reopening the economy during the coronavirus pandemic.

The nine-county region's seven-day rolling average for COVID-19 test positivity was 8.7% on Sept. 30, the same day Gov. JB Pritzker announced that the Rockford region would move into resurgence status and that area businesses — specifically bars and restaurants — would be required to adhere to a new set of rules, such as closing at 11 p.m. and shutting down indoor dining and bars.

By Saturday, the region's rate was 8.5%, but according to the Illinois Department of Public Health, as of Monday, it had gone back up to 8.8%. That's the most recent day the regional rate is available.

According to the state's plan, the region's positivity rate must fall to 6.5% or less for three straight days before it can return to Phase 4.

If the region's rate stays at 8% or higher for 14 days, it could face stricter mitigation orders, according to the health department.

Several Rockford area bar and restaurant owners are refusing to comply with the state's new mitigation orders.

Three area bars sent a cease and desist letter to Winnebago County Public Health Administrator Sandra Martell instructing her to not proceed with enforcement efforts against their businesses and to remove their names from lists of businesses under investigation for non-compliance that have been shared with public.

That letter, sent Wednesday, calls both Martell's authority and the legality of Restore Illinois mitigation strategies into question.

Martell said she planned to continue with local enforcement efforts which include issuing businesses notices of non-compliance and following up with further actions such as fines and orders to disperse if businesses continue to operate against mitigation efforts.

While several elected officials, including state Rep. John Cabello, state Sen. Dave Syverson, Winnebago County Sheriff Gary Caruana and Loves Park Mayor Greg Jury, encouraged bars and restaurants to defy the state's order, the city of Rockford released a statement Wednesday stating that it would "uphold the orders and laws set forth by the State of Illinois."

"We will follow the most recent executive order which prohibits indoor dining in our region," the city posted on its Facebook page. "In coordination with the Winnebago County Health Department, the City has established a procedure for investigating and responding to citizen complaints. The goal is to achieve compliance and is not meant to be punitive. ... While we believe that restaurants and bar owners and their employees are unnecessarily taking the brunt of these mitigation efforts, we must enforce these state mandates for the health and safety of our community."

Businesses could face an administrative hearing for violation of city ordinances, fines and liquor license suspension, the city states. In some cases, the health department could issue closure orders.

The city goes on to say that it will also seek compliance among other area stores, businesses and organizations that are required to operate under the rules of Phase 4, which include face mask and social distancing mandates as well as indoor capacity limits.

“Those that are permitted to remain open owe a duty to follow basic safety requirements so that negatively impacted businesses can reopen as soon as possible,” the city states. “For the health of our citizens and for the economic vitality of our businesses and employment of our residents, please wear your masks, practice social distancing, wash your hands and avoid unnecessary gatherings and travel. We can keep this enhanced mitigation period brief if we slow the spread of the virus.”

As of Thursday, the Winnebago County Health Department had taken action against 13 businesses for non-compliance of executive orders related to COVID-19, and dozens more are under investigation.

Berean Baptist School in Rockford, Toni's of Winnebago in Winnebago, CJ's Public House in Rockford, Choice Furniture in Rockford, Rockford Speedway in Loves Park, Neighbor's Bar and Grill in Loves Park, GNS Gas Co. in Rockford, W & S Food and Liquor in Rockford, Ace Hardware in Roscoe, Fozzy's Bar and Grill in Loves Park, Sophia's in Roscoe, Spring Garden Restaurant in Loves Park, Tractor Town in Machesney Park and Doc's Diner in Loves Park have been cited for failure to comply with COVID-19 regulations.

*Corina Curry*: [c Curry@rrstar.com](mailto:c Curry@rrstar.com); [@c Curry](https://www.instagram.com/c Curry)