

**RESOLUTION NO. 2020-\_\_\_\_\_**

Removing from consideration the enactment of an Ordinance regulating the Powers and Duties of County Health Officer

Executive Summary

WHEREAS, the Executive Summary is incorporated into this resolution, and

WHEREAS, the Wisconsin Counties Association Working Group is in the process of providing guidance to local units of government on courses of action that are reasonable and necessary for the prevention and suppression of COVID-19.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby accepts the decision of the Jefferson County Executive Committee from July 8<sup>th</sup>, 2020 to rescind its recommendation to enact a Powers and Duties of County Health Officer Ordinance, previously known as the Communicable Disease Ordinance.

BE IT FURTHER RESOLVED that the Powers and Duties of County Health Officer Ordinance, previously known as the Communicable Disease Ordinance, introduced to the County Board for discussion and action on June 9<sup>th</sup>, 2020 is hereby removed from consideration by the County Board unless reintroduced for consideration following the procedures set forth in the County Board Rules of Order.

*Fiscal Note: This resolution will have no fiscal impact.*

Referred By:

Executive Committee

07-14-2020

REVIEWED: County Administrator: \_\_\_\_\_; Corporation Counsel: \_\_\_\_\_; Finance Director: \_\_\_\_\_

## COMMUNICATIONS

**From:** lisa says <[lisa kallikak@gmail.com](mailto:lisa kallikak@gmail.com)>

**Sent:** Monday, July 6, 2020 5:58 PM

**To:** Benjamin Wehmeier <[BenjaminW@jeffersoncountywi.gov](mailto:BenjaminW@jeffersoncountywi.gov)>

**Subject:** july 8 zoom

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Hi Benjamin Wehmeier

I've never used zoom before. I signed up and installed.

In case I'm too nervous to speak then, can I submit a statement ?

I am in favor of the Jefferson County Health Dept having the power to make decisions during an epidemic. I think it's important that this is established now so they will be able to act swiftly if/when needed. Madison and Milwaukee, on either side of us, are making regulations; Jefferson county should have that option as well.

thank you,  
Lisa Knothe  
417 Mulberry St  
Lake Mills, WI 53551

**From:** Joel Kirchberg <[kirchberg25@hotmail.com](mailto:kirchberg25@hotmail.com)>  
**Sent:** Tuesday, July 7, 2020 10:17 AM  
**To:** Amy Rinard; James Braugher; Conor Nelan; Steve Nass; Michael Wineke  
**Subject:** County Board Meeting July 8, 2020

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7/7/2020

Dear County Executive Committee Chair Amy Rinard and Jefferson County Board Members,

I am requesting that my letter be read aloud at the July 8th, 2020 meeting. I apologize for my inability to attend in person due to work constraints. I appreciate your assistance in this matter in advance.

I am deeply concerned regarding the upcoming proposed duties of the County Health Officer which you will be discussing on July 8, 2020. These proposed duties are extraordinarily overreaching and violate the fundamental human rights and constitutional rights of the county members, county businesses, schools, public gatherings and more. I ask that the County Board Members remove/rescind the proposal and any future proposals regarding said County Health Officer.

In this proposal, under the sections Definitions 16.04, very loosely states any novel contagion or notable subtype under Appendix A Chapter DHS 145 of Wisconsin Administrative Code may be considered a potential health threat to the county thus enacting the powers of the aforementioned County Health Officer. Appendix A includes a list of greater than 30 different types of potential diseases and infections. Some of these diseases are certainly not considered communicable from human to human or warrant enacting powers of said County Health Officer: Toxic Shock Syndrome, Pelvic Inflammatory Disease, Tetanus, Anthrax and Ricin poisoning, Botulism, Rabies and more. These definitions leave a huge amount of uncertainty in the amount of power that can be granted to the County Health Officer to regulate at any time for nearly anything. For example, Corona type viruses are within the same family of MANY upper respiratory infections as the common cold. Very rarely do they mutate to the level in which they are considered dangerous. However, ANY TYPE of corona virus could be considered by definition to fall under Appendix A Chapter DHS 145 of Wisconsin Administrative Code. Does this mean that every upper respiratory infection season we are granting the authority to the County Health Officer ability to quarantine the people, shut down business and schools? The language in this proposal seems to imply exactly that. This is deeply concerning and is infringing upon our own medical freedoms and ability to confidently continue with normal daily functions.

Furthermore, under Definitions 16.04, crudely defines what constitutes an outbreak and/or epidemic. This poorly worded definition leaves county members subject to imposed restrictions and levies, granted to the County Health Officer for strict enforcement. During the event of every single upper respiratory infection season (cold and flu season) we could have our schools, businesses, parks etc. closed and be subject to lock down for an unestablished non science-based duration.

Section 16.06 states, the County Health Officer may use all measures necessary to prevent, suppress, and control communicable diseases. This leaves businesses, schools and other public interests subject

to unknown sanitation rules at the discretion of the County Health Officer. This may result in unnecessary closure of businesses and schools. Section 16.06 also may impose undo costs, resources and labor for businesses and schools that are already financially struggling resulting in more business closings and schools financial burden. Section 16.06 affords the County Health Officer with incredible unchecked power to use “all measures necessary” to prevent, suppress and control ANY of Appendix A Chapter of DHS 145 of Wisconsin Administrative Code communicable disease list.

In Section 16.07 it states that the County Health Officer will utilize disease surveillance and inspection systems during ANY communicable disease within Jefferson County. This grants power to allow entering private property and removal of individuals from their business or property if deemed by the County Health Officer for the greater good of the community.

I ask the county board members, when have you heard of such power granted to any entity let alone a County Health Officer? If having individuals (including children) removed from their homes doesn't sound INSANE then I am fearful for the future of Jefferson County and our Country. This completely rejects our rights of citizens of the United States.

Section 16.08 doubles down on section 16.07 stating The County Health Officer may issue orders for guarding against the introduction of any communicable disease into Jefferson County. These orders may include unnecessary quarantining and disinfection of individuals and personal property suspected of being infected. Of significant concern, is the terminology SUSPECTED infection! This is stating that it need not be proven an individual or personal property has been infected or come into contact with an infectious agent, only SUSPICION! This literally states that one can be removed from their home or business and have their personal property removed on the SUSPICION of any communicable disease stated in Appendix A of Chapter DHS 145 of Wisconsin Administrative Code. Again, this is granting UNBELIEVABLE power to the proposed County Health Officer.

Continuing, section 16.10 reads the County Health Officer will have the power to close schools, business, public gatherings and more, during outbreaks of any listed infections/diseases stated in Appendix A of Chapter DHS 145 of Wisconsin Administrative Code. This implies that the County Health Officer could shut down business, schools, and/or public gatherings should several people within a given space be susceptible of a noncommunicable pelvic inflammatory disease. That is also absolutely INSANE. Jefferson County tax payers will not be able to confidently continue on with basic society, business and basic life should these proposals be implemented.

Section 16.13 appears to give police powers to the County Health Officer. As it reads, “any person who willfully violates or obstructs the execution of an Order of the Health Officer under this Ordinance and relating to public health, shall be imprisoned for not more than 30 days or be subject to a fine or forfeiture of not more than \$500 or both or inductive relief. Each offense shall be considered a separate violation. The violator shall be liable for costs of prosecution under this Ordinance”. This section (16.13) is giving an unelected official POLICE POWERS. Putting this into context, the County Health Officer will be afforded the ability to fine \$500 per violation and imprisoning any parent who may be suspected of ANY disease/infection/poisoning listed in Appendix A Chapter DHS 145 of Wisconsin Administrative Code, for attempting to take their children to school, purchasing food, medication, and other necessities to EXIST.

Having been in health care for 20 years NEVER before have I witnessed such utterly ridiculous and overreaching powers being proposed for a “ County Health Officer”. If this proposal moves forward, I

am deeply concerned for any unintended consequences. On the surface this proposal seems to want to have the best interests of the residents of Jefferson County, however, upon closer investigation this proposal leads one to believe the contrary. In short, this proposal gives unbelievable police powers to a "County Health Officer" to use at their discretion. This can and would result in unnecessary school closures, businesses leaving the county or going out of business, residents being subjected to Hitler-like rule of law, and fear mongering for the public and more importantly our children.

I pray that the Jefferson County Board Members understand the CRITICAL IMPORTANCE of this proposal. It appears that this proposal may NOT be about health but control of the people. I ask that the Jefferson County Board Members LEAD the way for Wisconsin and recognize the far overreaching proposals and violations of basic human rights and constitutional rights and not move this or any other similar proposals forward.

In God We Trust,

Dr. Joel Kirchberg and Family  
175 Brewster Drive  
Lake Mills, Wisconsin