

3     **RESOLUTION:     Individual Health Decisions Pertaining to COVID-19 Government**  
4                             **Lockdowns, Vaccine, and Mask Mandates**

6     **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7             **WHEREAS**, on July 30, 2020, Governor Tony Evers issued Emergency Order #1 mandating face coverings  
8 (masks) throughout Wisconsin; and

9             **WHEREAS**, some studies show vaccines and masks are not an effective way to slow the spread of the  
10 COVID-19 virus; and

11            **WHEREAS**, on March 31, 2021, the Wisconsin Supreme Court declared Wisconsin's statewide mask  
12 mandate invalid; and

13            **WHEREAS**, when dealing with the local conditions related to the COVID-19 virus, local authorities should  
14 exercise common sense; and

15            **WHEREAS**, health decisions are best made by individuals, not government; and

16            **WHEREAS**, it is the right of individuals to choose whether to wear a mask and whether to be vaccinated; and

17            **WHEREAS**, citizens have lived with COVID-19 for over 3 years and have been provided information regarding  
18 how to protect themselves from COVID-19 and are fully capable of making their own decisions; and

19            **WHEREAS**, lockdowns, vaccine, and mask mandates have been shown to have a negative impact on  
20 economies and mental health; and

21            **WHEREAS**, some entities are considering and have imposed new mask mandates in response to an apparent  
22 resurgence of the COVID-19 virus.

23            **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it encourages  
24 individuals to make educated personal healthcare decisions to continue to slow the spread of the COVID-19 virus.

25            **BE IT FURTHER RESOLVED** that the Winnebago County Board of Supervisors does not intend to support  
26 nor impose any lockdowns, vaccine, or mask mandates related to COVID-19 or its variants.

27            **BE IT FURTHER RESOLVED** that the Winnebago County Board of Supervisors wishes to communicate to  
28 the people of Winnebago County and to state and federal authorities:

- 29
  - 30            • In the absence of a state or federal lockdown, vaccine, or mask mandate, Winnebago County does not  
            intend to create or enforce a mandate;
  - 31            • If the state or federal government creates a lockdown, vaccine, or mask mandate, Winnebago County  
32            shall not voluntarily use its resources in support of the same and shall comply only to the extent required  
33            by law or superior authority;
  - 34            • As a statement of policy, Winnebago County believes that such mandates are not proper;
  - 35            • As a matter of Constitutional Law, Winnebago County believes that the prior precedent should not apply  
36            to current circumstances.

37            **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that a copy of this resolution  
38 shall be forwarded to Winnebago County's state and federal delegations, Governor Evers, all other Wisconsin  
39 Counties, and the Wisconsin Counties Association.

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*Fiscal Note: No fiscal impact.*

Respectfully submitted by:  
**LEGISLATIVE COMMITTEE**

Committee Vote: **7-6 (3 absent)**

Vote Required for Passage: **Majority of Members Present**

Approved by the Winnebago County Executive this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Jonathan D. Doemel  
Winnebago County Executive

# Agenda Item Report



**Winnebago County**  
*The Wave of the Future*

DATE: February 27, 2024  
FROM: County Executive  
RE: Resolution 327-022024: Individual Health Decisions Pertaining to COVID-19 Government Lockdowns, Vaccine, and Mask Mandates

## **General Description:**

Kenosha County passed a similar resolution to respond to concerns over COVID-19 response.

## **Action Requested:**

Legislative committee recommended passage 7-6

## **Procedural Steps:**

Committee of Jurisdiction:	Legislative	Meeting Date:	January 22, 2024
Action taken:	Recommend Passage	Vote:	7-3 (3 absent)
County Board:	_____	Meeting Date:	02/27/2024

## **Background**

On March 17, 2020, Governor Evers issued his so-called "Safer at Home" order. The order was later extended; however, the extension received a lawsuit to the Wisconsin Supreme Court. On May 13, 2020, the Wisconsin Supreme Court ruled the Governor did not have the authority to extend his order without legislative ratification of his emergency declaration. In Wisconsin, emergency declarations by the Governor can last 60 days unless extended by the Governor. In county government, an emergency declaration must be ratified as soon as practical by the County Board, typically at its next business meeting.

In response to the Wisconsin Supreme Court order, [Kenosha County](#) and other counties (including [Winnebago County](#)) issued county safer at home orders. After legal review, the [counties rescinded](#) their orders within a day.

In 2022, the Kenosha County Executive, who supported the safer at home order retired and Samantha Kerkman was elected. The Kenosha County board passed the attached resolution as a position statement on future orders.

Winnebago County passed a general order ordinance which required county board authorization to ratify general orders. In November, the county board further restricted general orders with ordinances 228-112023 and 229-112023.

## **Policy Discussion**

The Winnebago County Board has already taken action to reduce the likelihood of a Kenosha County so-called "Safer at Home" order. Kenosha passed a similar resolution as a policy statement of their board.

**Attachments:**

1. Kenosha County Resolution
2. Passed Winnebago County Ordinances



**KENOSHA COUNTY**  
**BOARD OF SUPERVISORS**

Resolution No. 60

Subject: <b>A Resolution on the Individual Health Decisions Pertaining to COVID 19 Government Lockdowns, Vaccine, and Mask Mandates</b>			
Original [ x ]	Revised [ ]	2nd Correction [ ]	Resubmitted [ ]
Date Submitted: 9/10/2023		Date Resubmitted:	
Submitted by: Vice Chair Erin Decker, Supervisors John Poole, and Zach Rodriguez			
Fiscal Note Attached [ ]		Legal Note Attached [ ] Agreement	
Prepared by: Vice Chair Erin Decker		Signature:	

WHEREAS, on July 30, 2020, Governor Tony Evers issued Emergency Order #1 mandating face coverings (masks) throughout Wisconsin; and

WHEREAS, <sup>some</sup> studies show vaccines and masks are not an effective way to slow the spread of the COVID-19 virus; and

WHEREAS, on March 31, 2021, the Wisconsin Supreme Court declared Wisconsin's statewide mask mandate invalid; and

WHEREAS, when dealing with local conditions related to the COVID-19, local authorities should exercise common sense; and

WHEREAS, health decisions are best made by individuals, not government; and

WHEREAS, is the right of individuals to choose whether to wear a mask and whether to be vaccinated; and

WHEREAS, citizens have lived with COVID-19 for over 3 years and have been provided information regarding how to protect themselves from COVID-19 and are fully capable of making their own decisions; and

WHEREAS, lockdowns, vaccine, and mask mandates have been shown to have negative impact on economies and mental health; and

WHEREAS, some entities are considering and have imposed new mask mandates in response to an apparent resurgence of the COVID-19 virus; and

NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors encourages individuals to make educated personal healthcare decisions to continue to slow the spread of the COVID-19 virus; and


BE IT FURTHER RESOLVED that the Kenosha County Board of Supervisors does not intend to support nor impose any lockdowns, vaccine, or mask mandates related to COVID-19 or its variants; and

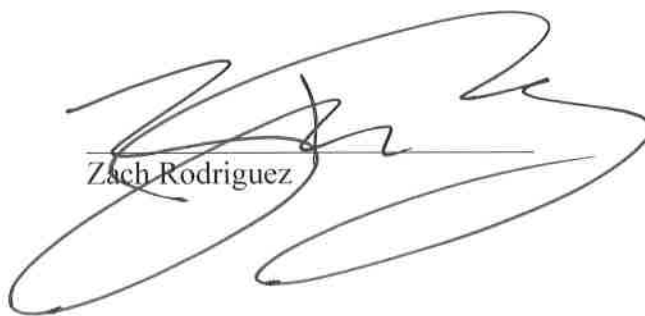
BE IT FURTHER RESOLVED that the Kenosha County Board of Supervisors wish to communicate to the people of Kenosha County and to state and federal authorities:

- In the absence of a state or federal lockdown, vaccine, or mask mandate, Kenosha County does not intend to create or enforce a mandate;
- If the state or federal government creates a lockdown, vaccine, or mask mandate, Kenosha County shall not voluntarily use its resources in support of the same and shall comply only to the extent required by law or superior authority;
- As a statement of policy, Kenosha County believes that such mandates are not proper;
- As a matter of Constitutional Law, Kenosha County believes that the prior precedent should not apply to current circumstances; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to Kenosha County's state and federal legislative delegations, Governor Evers, all other Wisconsin counties, and the Wisconsin Counties Association.


  
Erin Decker


  
John Poole


  
Zach Rodriguez


*A Resolution on the Individual Health Decisions Pertaining to  
COVID 19 Government Lockdowns, Vaccine, and Mask Mandates*

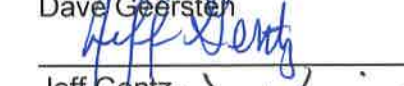
**HUMAN SERVICES COMMITTEE:**


  
Zach Stock, Chairman


  
Tim Stocker, Vice Chairman

  
Amanda Nedweski

  
Dave Geersten

  
Jeff Gentz

  
Ed Kubicki

  
Monica Yuhas

Aye   Nay   Abstain   Excused

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**From:** County Clerk <countyclerk@kenoshacounty.org>  
**Sent:** Thursday, January 11, 2024 11:45 AM  
**To:** Gregor, Cassie <CGregor@winnebagoctywi.gov>  
**Subject:** RE: Kenosha County Resolution No. 60

Below I copied our minutes from that meeting regarding that resolution.

**Resolution – Second Reading**

60. From the Human Services Committee - A Resolution on the Individual Health Decisions Pertaining to COVID 19 Government Lockdowns, Vaccine, and Mask Mandates

It was moved by Supervisor Stock, seconded by Supervisor Stocker to approve Resolution 60. Supervisor Yuhas made a motion to table Resolution 60, seconded by Supervisor Berg. On a Roll Call vote, motion failed 11-12. Supervisors Gentz, Belsky, Kubicki, Gaschke, O' Day, Berg, Nudo, Franco, Yuhas, Wamboldt, and Bashaw voting AYE. Supervisors Grady, Rose, Thomas, Rodriguez, Stock, Stocker, Geertsens, Nedweski, Poole, Nordigian Decker and Karow voting NAY. Bashaw made a motion to return Resolution 60 to Committee, seconded by Supervisor Rose. On a Roll Call vote motion failed 11-12. Supervisors Gentz, Rose, Kubicki, Gaschke, O' Day, Berg, Nudo, Franco, Yuhas, Wamboldt, and Bashaw voting AYE. Supervisors Grady, Belsky, Thomas, Rodriguez, Stock, Stocker, Geertsens, Nedweski, Poole, Nordigian, Decker and Karow voting NAY. On a roll call vote, Resolution 60 passed 14-9. Supervisors Grady, Belsky, Thomas, Rodriguez, Stock, Stocker, Geertsens, Nedweski, Yuhas, Wamboldt, Poole, Nordigian Decker and Karow voting AYE. Supervisors Gentz, Rose, Kubicki, Gaschke, O' Day, Berg, Nudo, Franco, and Bashaw voting NAY.

Have a great day!

**Amanda Sorensen**  
**Chief Deputy County Clerk**  
**Kenosha County**  
262.653.2420  
1010 56<sup>th</sup> Street  
Kenosha, WI 53140

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# 11/7/23 Organizational Meeting

District	Last Name	Roll Call	Motion to Table Resolution 60	Motion to Return Resolution 60 to Committee	Resolution 60
1	Grady	1	2	2	1
2	Rose	1	2	1	2
3	Gentz	1	1	1	2
4	Belsky	1	1	2	1
5	Thomas	1	2	2	1
6	Kubicki	1	1	1	2
7	Gaschke	1	1	1	2
8	Rodriguez	1	2	2	1
9	O'Day	1	1	1	2
10	Berg	1	1	1	2
11	Stock	1	2	2	1
12	Nudo	1	1	1	2
13	Franco	1	1	1	2
14	Stocker	1	2	2	1
15	Geertsen	1	2	2	1
16	Nedweski	1	2	2	1
17	Yuhas	1	1	1	1
18	Wamboldt	1	1	1	1
19	Bashaw	1	1	1	2
20	Poole	1	2	2	1
21	Nordigian	1	2	2	1
22	Decker	1	2	2	1
23	Karow	1	2	2	1

RESOLUTION No. 60

1st Reading 10-17-2023  
2nd Reading 11-07-2023

Presented to County Board

Date 10 01 - 2023

Action by County Board

☒ Adopted as presented 11 - 01 - 2023

☐ Adopted as amended \_\_\_\_\_

☐ Referred to \_\_\_\_\_

☐ Defeated \_\_\_\_\_

☐ Withdrawn \_\_\_\_\_

County Board Chairman

[Signature]

Action by County Executive

☒ Approved 11 - 10 - 2023

☐ Vetoes \_\_\_\_\_

☐ Vetoed in part \_\_\_\_\_

☐ Effective without signature

By [Signature]

County Executive

Veto action by County Board

☐ Overridden \_\_\_\_\_

Vote \_\_\_\_\_ to \_\_\_\_\_

☐ Sustained \_\_\_\_\_

Vote \_\_\_\_\_ to \_\_\_\_\_

Presented to County Executive 11 - 08 - 2023

By [Signature]

County Clerk

PASSED

288-112023

**ORDINANCE: Amend 11.08(4) of the Winnebago County General Code Setting Forth Definitions of Individual and General Orders**

**TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

**WHEREAS**, the people of Winnebago County have shown up to both Legislative and County board meetings in 2020 with concerns about an unelected official being given enforcement powers that supersede restrictions and regulations to county government authority; and

**WHEREAS**, the current definition of "Individual Order" is vague and can also apply to a public gathering, thereby impeding upon the right to free public assembly; and

**WHEREAS**, all Supervisors have taken an Oath of Office to uphold the Constitution of the United States.

**NOW, THEREFORE**, the Winnebago County Board of Supervisors does ordain the following amendments (cited in red ink) are made to 11.08 (4) of the Winnebago County General Code:

(a) Individual Order: Any health order under this Ordinance applicable to a specific person ~~group of persons, or gathering spot~~ that is deemed reasonable and necessary to prevent and suppress communicable disease.

(b) General Order: Any health order under this Ordinance that impacts the public at large, ~~including a group of persons or gathering spot~~, that is deemed reasonable and necessary to prevent and suppress communicable disease. Any health order not deemed an Individual Order will be considered a General Order.

*Fiscal Note: No Fiscal Impact.*

Respectfully submitted by:

**SUPERVISOR BRIAN DEFFERDING, District 6**

**SUPERVISOR CONLEY HANSON, District 26**

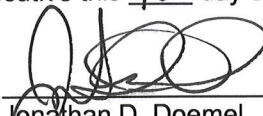
**SUPERVISOR JACOB FLOAM, District 16**

**BOARD OF HEALTH**

Committee Vote: **3-2**

Vote Required for Passage: **Majority of Members Present**

Approved by the Winnebago County Executive this 18<sup>th</sup> day of December, 2023.

  
Jonathan D. Doemel  
Winnebago County Executive



**PASSED**

289-112023

**ORDINANCE:** Amend 11.08(6)(d)(2) of the Winnebago County General Code involving General Orders made by the Winnebago County Health Officer

**TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

**WHEREAS**, in the majority opinion of the Wisconsin Supreme Court Decision "Becker Vs. Dane County," ruled in 2022, concluded that Public Health Officers are subject to local controls and county regulations; and

**WHEREAS**, during Governor Evers Safer at Home order, Wisconsin saw an unemployment spike going from 2.9% in March of 2020 to 14.10% by April of 2020, according to the Bureau of Labor and Statistics; and

**WHEREAS**, this rise in unemployment was one of the deciding factors of Winnebago County to accept the Neighborhood Grant to fund for additional housing, as homelessness increased in Winnebago County since 2020; and

**WHEREAS**, Winnebago County was amongst the rest of the country feeling the effects of high inflation due in part to the amount of people leaving the workforce and not enough people replacing them, according to a study by Forward Analytics from the Wisconsin Counties Association.

**NOW, THEREFORE**, the Winnebago County Board of Supervisors does ordain that the following amendments (cited in red ink) are made to 11.08(6)(d)(2) of the Winnebago County General Code:

2. Any General Order must be based upon the duties, responsibilities, and powers as identified in Chapter 252, Wis. Stats., §251.06(3), Wis. Stats., and §66.0113 and 66.0119, Wis. Stats. Any General Order is advisory only until reviewed and reaffirmed or revised and affirmed by the Winnebago County Board of Supervisors by at least two thirds of the entire county board membership at its next regularly scheduled meeting date or within 14 days, whichever is earlier. All general orders will specify a duration for the order and an expiration date, but will have a maximum duration of 60 days 7 days unless otherwise authorized by the County Board.

*Fiscal Note: No fiscal impact.*

Respectfully submitted by:

**SUPERVISOR BRIAN DEFFERDING, District 6**

**SUPERVISOR CONLEY HANSON, District 26**

**SUPERVISOR JACOB FLOAM, District 16**

**Board of Health**

Committee Vote: 3-2

Vote Required for Passage: Majority of Members Present

Approved by the Winnebago County Executive this 18<sup>th</sup> day of December, 2023.

  
Jonathan D. Doemel

Winnebago County Executive