HEALTH AND WELFARE ORDINANCE UPDATE

It was back in June when this whole business concerning Dodge County's Health and Welfare Ordinance began. I argued that this ordinance would create a position for a Local Health Official which currently does not exist and was swiftly admonished for this "stupidity" by Dodge County's very own Health Officer who claimed that she already had the broad and far-reaching powers reserved for her in Wis. Stat. 252.

I politely informed her that the Health and Welfare Ordinance which was under consideration actually is creating a new position because it puts teeth and claws into the position of the County Health Officer which currently are not there. The Wisconsin Supreme Court validated this truth with their decision in LEGISLATURE v. PALM.

Now the Wisconsin Counties Association (WCA) has presented recommendations in this matter and are encouraging all counties to create their own County Health and Welfare Ordinance by using the WCA recommendations for guidance.

The WCA wants us to believe that they are unbiased in their guidance but their guidance never suggests that counties are better off if they do nothing. It is to the advantage of all county citizens if their county does not adopt a Health and Welfare Ordinance. The creation of a WCA style detailed ordinance in tandem with Wis. Stat. 252 could make the position of the County Health Official the most powerful position in the county under the Sheriff, this position being filled by an individual whom we the people have not elected. Constitutional concerns are adding up quickly here.

Ironically, the five lawyers who worked closely with other individuals in this recommendation process have, just as have our government officials, sworn and subscribed to their own Oath of Office, a promise to support and uphold our constitutions, yet they worked cooperatively to promote guidance for legislation at the county level which will, if enacted, inevitably infringe and violate the rights and freedoms of 'we the people', the rights and freedom our constitutions demand protection for.

Wis. Stat. 252 (which is in place) provides the power and authority for a local Health Official to act upon the specifics contained in a local Health Ordinance. One without the other is quite non-threatening. The two together could get pretty ugly, depending on the contents of the ordinance.

THE CREATION AND PASSAGE OF A HEALTH AND WELFARE ORDINANCE MODELED AFTER THE WCA's GUIDELINES MUST NOT HAPPEN FOR THE FOLLOWING REASONS;

The WCA recommends quite adamantly that the Health and Welfare Ordinance contain detailed language in specific areas:

Pg. 41 (1) INVOKING AN ENFORCEMENT MECHANISM for following up on orders and rules. It is only when this enforcement is specified with details in the ordinance that the Health Official will have the power to use it against the people.

Pg. 42 (2) PENALTIES DETAILED for violation of and/or obstructing execution of the ordinance. In agreeing with this our representatives would evidently seek to punish us for ignoring the mandates of an unconstitutional ordinance or resisting its demands. If the ordinance does not contain a provision for penalties none can be enforced.

Pg. 42 (3) SPECIFIC ORDERS FOR ISOLATION OF INFECTED PERSONS.

Isolation means that you can not leave the place the Health Official decides to keep you without prior permission from the Department to do so. To make sure you comply with this Isolation Order, a Quarantine Officer may be placed at your home or wherever they are isolating you until the Order has ended. If you fail to comply with this Isolation Order at your home, you may be subject to a citation, an Order to isolate in a more restrictive facility, or anything else they may come up with. -Appendix C, Administrative Direction For Isolation

Pg. 42 (4) SPECIFIC ORDERS FOR QUARANTINE OF PERSONS WHO MAY HAVE BEEN EXPOSED but show no signs or symptoms. These people may look and feel healthy but will be quarantined and put under guard. They can be confined for three days after being transported by police to a medical facility (excluding Saturdays, Sundays, and legal holidays) and will be guarded 24/7. These individuals can then get a hearing [where you are guilty until you prove yourself innocent] after which the quarantined individual will be charged for any and all expenses for the necessary medical care, food, and articles needed for them during the court ordered confinement. They will have to reimburse the County for the costs to employ the guards, cleaning the rooms, and costs for all the tests and examinations which the Local Health Officer ordered. -Appendix F, Court Orders For Isolation And Quarantine

Sound like a police state yet?? Read on.

Pg. 43 (5) CONTACT TRACING ENFORCEMENT

You could be ordered to comply with contact tracing efforts even if you are only suspected as having been exposed to what is considered to be a communicable disease. You may be given a Court Order to comply with the orders of the Local Health Officer (Think: Quarantine). You will be told of the demands of the Local Health Officer. In order to ensure that you STRICTLY comply with the Order, authorized people will monitor you and your movements. If you do not comply, additional enforcement actions may be taken by the Department, including, without limitation, a Court Order. If you fail to comply with the Order, you may be subject to 1) a citation, 2) anything else the Department deems necessary. -Appendix H, Administrative Directive For Closure, Contact Tracing, Medical Evaluation.

You will be given a Notice of Rights of the Administrative Directive which informs you that you have a right to appear at a hearing with a lawyer if you fail to comply with a Directive. Here you can present evidence, witnesses, and take part in cross-examination of witnesses. -Appendix I, Notice of Rights of Administrative Directive

This wouldn't be complete without -

Pg. 43 (6) CITATION AUTHORITY FOR THE LOCAL HEALTH OFFICER

The argument is that enforcing these Orders could place additional strain on law enforcement so we must provide relief. Aside from the fact that a constitutional form of government would never entertain this idea in the first place, I also believe that this citation authority, if given to the Health Officer, would spill over to also be able to deputize as many individuals as are deemed necessary (at 'we the people's' expense of course) to go out in force to enforce Orders.

**CONCLUSION**

Our government officials, whom we have given authority to govern but not without the responsibility to protect our rights and freedom, who also promise by swearing to and subscribing to an Oath of Office to protect our unalienable and constitutionally secured rights as they perform the business of governing, of necessity must see through this attempt and occasion to undermine the constitutional foundation of our country, state, and county, by means of fear at this particular time, standing up to challenge and defeat the enemy that deceitfully attempts to slowly and sometimes unknowingly erode the foundations of our freedom, freedom that came to us by the sacrifices of those who have gone before us.

Please call your County Supervisor and ask him or her to vote NO to any form of a Health and Welfare Ordinance whenever it may come into view.

Share the above information with them so they know why. Thank you.

* Dan Siegmann