

July 17, 2020
Bayfield County Board
Mark Abeles-Allison
Washburn, Wisconsin 54806

Dear Mr. Abeles-Allison and the Bayfield County Board:

The League of Women Voters of Ashland and Bayfield Counties (LWV/ABC) shares with the community a deep concern during this time of the global COVID-19 pandemic. This concern applies not only to the immediate risk of any individual contracting the disease, but also the weakness in leadership of governmental officials be they federal, state or local, to achieve a uniform message and set of policies which will stem the upward curve of the disease. The result has been a chaotic maze in which we all seem trapped and highly vulnerable.

Historically, citizens have come to expect decisive responses to emergencies. These responses have been made with full recognition and ability to balance the rights of individuals and the common good. Something has changed recently in our ability to respond reasonably to crises, but that debate is not the purpose of our letter.

Rather, we desire to draw attention to the **ability and authority** of local public health and county officials to assimilate the evolving scientific research on COVID-10 and the epidemiological data.

The Wisconsin Constitution and Statutes outline the authority and responsibility of County Governments:

Major responsibilities required of the county include the provision of most social service programs (child welfare, juvenile justice, senior citizen services, public health, mental health, jail, developmental disabilities, etc.) and responsibilities for local and state road maintenance. Counties also provide the majority of cultural and recreational amenities (e.g. parks, libraries, and snowmobile trails), law enforcement, health services, zoning and road maintenance for citizens in rural, unincorporated areas within their borders.

UW EXT Division of Local Government- <https://lgc.uwex.edu/counties-in-wisconsin/>

The Wisconsin Supreme Court ruled this spring, striking down Governor Evers and the State Health Departments Emergency COVID Rule. A day after, Attorney General Josh Kaul released a legal opinion on how the Court decision might affect the powers of local public health officials.

[Kaul's opinion](#) said that the powers of local health officials are unaffected because "the court decision addressed a different statute applicable to a state agency, and not the statute applicable to local authorities." Kaul highlighted the powers that local health officials already have under [Wis. Stat. 252.03](#)

This Statute clearly outlines the authority of local health officers and the role of local governments in enforcement. The statute further defines fiscal responsibility in section 3.

252.03 Duties of local health officers.

(1) Every local health officer, upon the appearance of any communicable disease in his or her territory, shall immediately investigate all the circumstances and make a full report to the appropriate governing body and also to the department. The local health officer shall promptly take all measures necessary to prevent, suppress and control communicable diseases, and shall report to the appropriate governing body the progress of the communicable diseases and the measures used against them, as needed to keep the appropriate governing body fully informed, or at such intervals as the secretary may direct. The local health officer may inspect schools and other public buildings within his or her jurisdiction as needed to determine whether the buildings are kept in a sanitary condition.

(2) Local health officers may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks or epidemics and shall advise the department of measures taken.

(3) If the local authorities fail to enforce the communicable disease statutes and rules, the department shall take charge, and expenses thus incurred shall be paid by the county or municipality.

(4) No person may interfere with the investigation under this chapter of any place or its occupants by local health officers or their assistants.

History: [1981 c. 291](#); [1993 a. 27](#) s. [285](#); Stats. 1993 s. 252.03.

On July 13, 2020, the Ashland/Bayfield County Public Health Officers issued a Health Order requiring masks be worn in public. According to the July 15, 2020 *Ashland Daily Press* both counties stepped back from this order indicating that it was only an advisory. The counties indicated the need for the County Board to oversee any order.

Ashland County indicated they would take this up at their next Board meeting. The county website shows no special meeting and the August meeting is not on the publicly accessed calendar. Bayfield County Board meets July 28.

Of further concern, Ashland County Board proclaimed a County Health Emergency on March 18, 2020 with a four month expiration date. The Agenda of the Board Meeting of July 7 did not include discussion of the Declaration which expires July 18.

The LWV/ABC, in the best interest of the citizens of Ashland and Bayfield Counties, requests the County Boards call an emergency meeting and take immediate action to support the Public Health Officers regarding the order to wear masks and future science based actions deemed necessary to level the curve of COVID-19. In addition, the Ashland County Health Emergency should be extended as this order protects the ability of the public to participate in County governance as well as protect the health of our elected officials, public workers and citizens.

COVID-19 is not a political matter, rather it is a threat to the health of all peoples. LWV/ABC is a nonpartisan organization whose purpose is to enhance the rights of all citizens to participate in the process of making our democracy work. The priority of the common good is an integral part of that goal.

Respectfully submitted,

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President on behalf of the League of Women Voters of Ashland and Bayfield Counties