

WMC: Urges Winnebago County Board to oppose unlawful COVID-19 ordinance

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OSHKOSH - Wisconsin Manufacturers & Commerce - the combined state chamber, manufacturers' association and safety council - joined the Oshkosh Chamber of Commerce in sending a letter to the Winnebago County Board of Supervisors urging them not to adopt a draft ordinance that would increase the powers of the County Health Officer in an unlawful manner.

The Winnebago County Board of Supervisors is considering a proposal that would grant the Winnebago County Health Officer the power to "issue orders for guarding against the introduction of any communicable disease into his or her jurisdiction, for the control and suppression of communicable diseases, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by a communicable disease and for the sanitary care of schools, public buildings, and other places." It also provides that any order would have to be affirmed by the County Board.

The letter - written by attorneys Ryan Walsh and Amy Miller of Eimer Stahl - lays out a number of reasons the proposed ordinance is unlawful. In part the letter reads:

"Winnebago County's proposal would be invalid for three independent reasons: it logically conflicts with state law, it defeats the purpose of state law, and it goes against the spirit of state law. That the Legislature granted DHS certain powers - for example, to issue orders for guarding against and controlling communicable diseases and for the quarantine of persons and places - but, in the very next statutory section, declined to grant the same authority to local health officers reflects a clear intent not to vest local health officers with that authority."

While the County Board of Supervisors has introduced this proposal as an amendment to a previous version, it does not mend the legal infirmities of the first.

In fact, it mirrors them.

WMC concludes its letter explaining that the proposed ordinance “would be unlawful and therefore should not be approved.”

[Click here](#) to read the full letter.