

Marathon County Board of Health

Tuesday, June 2, 2020 at 7:45 AM

Meeting Location: 1000 Lake View Drive, Suite 100
Wausau, WI 54403

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages Board of Health members and the public to attend this meeting remotely. To this end, instead of attendance in person, Board of Health members and the public may attend this meeting by telephone conference. If Board of Health members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees. Persons wishing to attend the meeting by phone may call into the telephone conference beginning five (5) minutes prior to the start time indicated above using the following number. When you enter the telephone conference, put your phone on mute.

Dial +1 312 626 6799 US (Chicago)

Meeting ID: 838 0777 1142

Password: 031987

The Public Comment portion of the agenda has been temporarily suspended, pursuant to Marathon County Resolution # R-19-20, dated April 21, 2020, because the technology necessary to afford the public the opportunity to address the County Board, or its subgroups, during public Comment is difficult to guarantee, if a large number of individuals have elected to call in.

Committee Members: John Robinson, Chair; Sandi Cihlar, Vice-Chair; Lori Shepherd, Secretary; Dean Danner; Kue Her; Tiffany Lee; Craig McEwen; Corrie Norrbom

Marathon County Mission Statement: Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)

Marathon County Health Department Mission Statement: To advance a healthy Marathon County community by preventing disease, promoting health, and protecting the public from environmental hazards. (Last updated: 5-7-13)

1. **Call to Order, Welcome New Board of Health Member**
2. **Approval of the Minutes of the May 5, 2020 Board of Health Meeting**
3. **Operational Functions Required by Statute, Ordinance, or Resolution**
 - A. Marathon County Board of Health election of officers
4. **Policy Discussion and Possible Action**
 - A. Determine the renewal date for the 2020-2021 license year through the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP)
 - B. Recommendation to create a Marathon County Communicable Disease Prevention and Control Ordinance based on the findings from the Wisconsin Supreme Court on May 13, 2020 in *Legislature v Palm*, invalidating Emergency Order #28 Safer at Home

- C. Update on Marathon County’s COVID-19 response efforts and focus for the next 30 days
- D. Determine the merit to move the Board of Health meeting to align with the timing of the Health and Human Services Committee held on the first Wednesday of the month
- E. Report from the Health and Human Services Committee May 6, 2020 meeting on policy issues impacting public health

5. Educational Presentations/Outcome Monitoring Reports

- A. None

6. Announcements

7. Next Meeting Date & Time, Location, Future Agenda Items:

- A. Confirm July’s meeting date and determine agenda topics
 - i. Status of the identification of community health priorities with members of Healthy Marathon County
 - ii. Board of Health Self-Assessment Plan of Work

8. Adjourn

FAXED TO: Daily Herald, City Pages,
Marshfield News, Mid-West Radio Group

Signed _____

THIS NOTICE POSTED AT THE COURTHOUSE

Date _____ Time _____

By _____

Date _____ Time _____

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk’s Office at 715-261-1500 or e-mail infomarathon@mail.co.marathon.wi.us one business day before the meeting.

MARATHON COUNTY BOARD OF HEALTH
Meeting Minutes
May 5, 2020

Present: Via Zoom Web Conference: Sandi Cihlar, John Robinson, Tiffany Lee, Kue Her, Craig McEwen, Lori Shepherd

MCHD Staff: Joan Theurer, Dale Grosskurth, Eileen Eckardt, Jon Schmunk, Chris Weisgram, Judy Burrows

Others Present: Brian Kowalski, Phil Rentmeester

Call to Order

John Robinson called the meeting to order at 7:46 a.m.

1. Call to Order, Welcome New Board of Health Member

John Robinson welcomed Craig McEwen, County Board Supervisor, back to the Board of Health.

2. Approval of the Minutes of the April 7, 2020 Board of Health Meeting

Motion to approve minutes of the April 7, 2020 meeting made by Kue Her. Seconded by Sandi Cihlar. Motion approved.

3. Operational Functions Required by Statute, Ordinance, or Resolution

A. None

4. Policy Discussion and Possible Action

- A. Review Marathon County Agent Programs Regulation section "Correction of Violations" in light of the approved restructure of the Recreational Pool Licensing and Water Testing Fees
 - i. Update on the Department of Agriculture, Trade and Consumer Protection (DATCP) extension of the renewal of permits until December 31, 2020 and action to be taken to extend renewal fees
 - ii. Update on the process and timeline for reviewing licensing fee
 - iii. Confirm the timeline for enacting pool re-inspection fees and proposed changes for fee violations for other Public Facility or Establishment under 100.8 Inspections (4) Correction of Violations, page 14-15

Joan Theurer shared an overview of April's Board decision regarding restructuring of the recreational pool licensing and pool water testing fees. The adopted re-inspection fee for recreational water facilities was set at \$317 based on a time study to perform a re-inspection and is not align with other re-inspection fees for other license categories in the Marathon County Agent Programs Regulation. A time study would need to be performed to determine the true costs for other license categories re-inspection fees.

Recently, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) decided to extend fee deadlines from July 1 to December 31, 2020. Local public health departments have the option to extend fee deadlines as well. Joan indicated a plan could be to extend to December 1st, which would allow time to complete a time study to determine true program costs, and realign licensing fees in keeping with DATCP categories. This would also provide the time needed to do a time-study to realign re-inspections fees for the remaining license categories. Joan shared that without incoming licensing fees during June and July, there would be a delay in revenue.

John Robinson shared that discussions at the County's Finance Committee indicate there is interest in looking more into the cash flow situation, and how to address fees. John suggested the county look at the impact of forgoing late fees, delaying license due dates; having a uniform message for all license types.

Joan Theurer shared if the current schedule of collecting license fees were to continue, it would be recommended that adopted re-inspection fees for recreational water facilities be suspended until the entire license fee structure could be implemented.

Craig McEwen shared that the Village of Rothschild recently suspended renewal fees.

Joan Theurer shared that renewals could be extended to September, which would give operators an additional 2 months, and reduce the amount of extra time the County would need to support the Licensing program through tax levy.

The Board discussed various options of deferring fees, and restructuring the licensing fees for recreational water facilities.

Motion to suspend license fee restructuring until additional information is available from the county made by Lori Shepherd. Second by Tiffany Lee. Motion approved.

Motion to defer decision on renewal fees to June 1, 2020 made by Craig McEwen. Second by Sandi Cihlar. Motion approved.

Joan Theurer shared that operators will be notified by the department that the Board of Health will make a decision at the June meeting as to time frame for renewal, after further guidance is provided by the Human Resources, Finance and Property Committee.

- B. Update on Marathon County's COVID-19 response
 - i. Overview of the Badger Bounce Back plan which outlines the criteria and phases for reopening the economy and communities
 - ii. Discuss public health issues going forward in our COVID-19 response
 - iii. Status report as to impact on carrying out critical and essential public health services

Joan Theurer shared an update on what work has been done by the Health Department in response to COVID-19, as well as an overview of the "Badger Bounce Back" plan. Joan explained the conditions outlined in the plan to safely reopen the state including specific outcomes for increasing lab capacity and testing, contact tracing, personal protective equipment, health care

capacity, and statewide tracking. Joan explained that the plan is aligned with the White House and Centers for Disease Control and Prevention (CDC) plan that have been previously released.

Discussion on hospitals' response to the effect COVID-19 response has had on treatment of other health issues, and elective care.

Joan Theurer walked through the "box in" strategy to contain COVID-19, which includes testing, isolation, contact tracing, and quarantine. Marathon County provides a voluntary agreement and explanation of responsibilities for those who have been identified as contacts.

Joan explained the Gating Criteria, which outlines specific measures that, when met, allow movement to the next phase of the "Badger Bounce Back" plan. Joan shared different recently received plans and criteria that have been developed by various organizations such as Medical College of Wisconsin, Wisconsin Manufacturing and Commerce with the Wisconsin Chamber of Commerce, and regional public health groups. Specifically, Joan shared a plan from Northern and Western region health departments "A United Front" and how it guides local health departments to respond.

Joan shared the four phases of the "Badger Bounce Back" include lifting of restrictions based on specific criteria, and capacity to respond to case load.

The Board discussed timing of possibly reopening municipal facilities such as pools, and recreation buildings at parks. Joan shared that some municipalities are waiting to decide until the end of May.

John Robinson asked what information is available from Wisconsin Department of Health Services as far as what is being considered essential or non-essential business. Dale Grosskurth outlined discussion held with Corporation Counsel regarding why certain business could not remain open because they did not sell essential items or services.

Discussion was held on distribution of funds from the CARES Act, and the possibility of using funds to support local food pantries.

Discussion was held on the likelihood of spread increasing again after further steps are taken to reopen businesses and community facilities.

Joan noted that today the Wisconsin Supreme Court is hearing arguments today regarding the lawsuit filed against extension of the Safer at Home orders.

- 5. Educational Presentations/Outcome Monitoring Reports**
 - A. None
- 6. Announcements**
- 7. Next Meeting Date & Time, Location, Future Agenda Items: June 1, 2020**
 - A. TBD based on COVID-19 response
 - i. Election of Board of Health Officers for 2020-2022
 - ii. Update on the Board of Health Self-Assessment Plan of Work

- iii. Continuation of the identification of community health priorities with members of Healthy Marathon County

John Robinson shared that County Board rules have changed, which affects the meeting schedule for committees. It might be worth looking at moving Board of Health meetings to a different day.

8. Adjourn

John Robinson adjourned the meeting at 9:33 a.m.

Respectfully submitted,

Lori Shepherd, Secretary
Chris Weisgram, Recorder

DRAFT

Health Officer Notes

June 2, 2020

Call to Order, Welcome New Board of Health Member

- A. Corrie Norrbom, MD, family physician with the Medical College of Wisconsin-Central Wisconsin, Wisconsin Institute for Public Policy and Service and Aspirus

Operational Functions Required by Statute, Ordinance, or Resolution

A. Marathon County Board of Health election of officers

Accordingly to the Marathon County Board of Health Bylaws, the Marathon County Board of Health elects officers in June of even years. Officers include Chairperson, Vice-Chairperson, and Secretary. Enclosed, find the Marathon County Board of Health Bylaws dated August 6, 2019.

Policy Discussion and Possible Action

A. Determine the renewal date for the 2020-2021 license year through the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP)

John Robinson, Chair, Human Resources, Finance and Property Committee will update members as to the decision of the committee in terms of delaying the renewal date for receiving permit payments. The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) extended fee deadlines from July 1 to December 31, 2020. Marathon County Health Department's practice is to send out invoices by May 15, for a July 1 payment.

B. Recommendation to create a Marathon County Communicable Disease Prevention and Control Ordinance based on the findings from the Wisconsin Supreme Court on May 13, 2020 in *Legislature v Palm*, invalidating Emergency Order #28 Safer at Home Order

Joan Theurer, Health Officer and Scott Corbett, Corporation Counsel will provide an overview of the Wisconsin Supreme Court ruling on the Safer at Home Order and implications for local Health Officer's authority and enforcement powers in preventing and controlling communicable disease in accordance to Wis. Stats., 252.03. Enclosed, find "Local Health Officers Power to Prevent and Suppress Communicable Disease Recommendation to Pursue a Marathon County Disease Ordinance". The document provides background for the need to pursue an ordinance.

C. Update on Marathon County's COVID-19 response efforts and focus for the next 30 days

Joan Theurer, Health Officer will provide an update of response containment efforts and focus for the next 30 days.

D. Determine the merit to move the Board of Health meeting to align with the timing of the Health and Human Services Committee held on the first Wednesday of the month

John Robinson, will share members availability to meet on another Tuesday in the month.

E. Report from the Health and Human Services Committee May 6, 2020 meeting on policy issues impacting public health

Joan Theurer, Health Officer will provide an update on policy issues discussed impacting public health.

Educational Presentations/Outcome Monitoring Reports

- A. None

Announcements

Next Meeting Date & Time, Future Agenda Items:

- A. Confirm July's meeting date and determine agenda topics.
 - i. Status of the identification of community health priorities with members of Healthy Marathon County
 - ii. Board of Health Self-Assessment Plan of Work

May 20, 2020

Marathon County Board of Health Bylaws

I. Purpose

The purpose of the Marathon County Board of Health is to provide policy-making guidance to the Health Officer, the County Administrator, and the Marathon County Board of Supervisors to provide an environment in which people can be healthy.

II. Specific Duties

In addition to those duties and responsibilities set forth in Section 2.05(17) of the General Code of Ordinances, the Marathon County Board of Health fulfills its purpose through the following specific duties:

- Assures the enforcement of public health statutes and rules
- Assures the local health department meets the requirements of a Level III health department as defined in statute
- Adopts local public health regulations to protect and improve the public's health which are no less stringent than, and do not conflict with, state statutes or the rules of the State Department of Public Health.
- Assesses public health needs and advocate for the provision of reasonable and necessary public health services
- Develops policy and provide leadership to meet public health needs
- Assures the local health department collaborates with other public health partners
- Assures accountability of the local health department

III. Membership

The Marathon County Board of Health shall consist of nine members - at least three of whom are not elected officials. Board of Health members will demonstrate interest or competence in the field of public health or community health. The membership composition will be in keeping with Wisconsin Statute 251.02.

A quorum is defined as 51% of the current Board. Board members who cannot attend a meeting are expected to report the absence in advance.

The Medical Director of the Health Department shall serve as an Ex-Officio member of the Board of Health. This position advises the Board, the Health Officer, and the Health Department staff on medical issues. This position shall not vote nor contribute to the quorum requirements of the Board.

IV. Appointment Process

Board of Health members are appointed by the County Administrator **and confirmed by the Marathon County Board of Supervisors**. Appointments are for five years. There are no term limits.

V. Officers

The Marathon County Board of Health will elect officers in June of even years. Officers include Chairperson, Vice-Chairperson, and Secretary.

The Chairperson shall prepare the agenda (in consultation with the Health Officer) and preside over all meetings of the Board of Health. The Chairperson (or his/her designee) represents the Board of Health during presentations to the County Board of Supervisors and to the media.

The Vice-Chairperson assumes all duties of the Chairperson in his/her absence.

The Secretary reviews and signs all official records and correspondence of the Board of Health.

VI. Frequency of Meetings

The Marathon County Board of Health meets on a monthly basis. Meetings may be cancelled, but the Board must meet a minimum of four times per year. A special meeting may be called by the Chairperson or two or more members of the Board of Health.

VII. Relationship with Health & Human Services Committee

The Board of Health will work with the Marathon County Health & Human Services Standing Committee to develop County-wide policy related to health.

References:

Wisconsin Statutes, Chapter 251

Marathon County Code of Ordinances, Chapter 2, the Governing Body, Section 2.05 (1) (d)
Board of Health

Adopted August 6, 2019

Local Health Officers Powers to Prevent and Suppress Communicable Disease
Recommendation to Pursue a Marathon County Communicable Disease Ordinance
May 22, 2020

Background: The Wisconsin Supreme Court ruling on May 13, 2020, in *Legislature v. Palm* invalidated the Wisconsin Department of Health Services (DHS) Emergency Order #28, Safer at Home Order. In doing so, the Court diminished Wisconsin DHS's ability to respond to the COVID-19 pandemic. The decision also created confusion regarding the authority of the local health officer's ability to address the pandemic. In response, Attorney General Josh Kaul issued an interim attorney general opinion on May 15, 2020, to provide guidance on local authority. The opinion advised:

1. The Supreme Court's decision addressed only DHS's authority found in Wis. Stat. 252.02. The statute does not govern the authority of local health officers under Wis. Stat. 252.03. Under 252.03, 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 being used against them, as needed to keep the appropriate governing body fully informed, or at such intervals as the secretary may direct."* 252.03(1)
 - *"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."* 252.03(2)
2. Local health officers are advised to limit enforcement under Wis. Stat. 252.03 to ordinances or administrative enforcement.
3. Local authority should ensure that any measures that direct people to stay at home, forbid certain travel, or close certain businesses speak specifically to the local authority's statutory power to *"prevent, suppress, and control communicable diseases"* and *"forbid public gatherings when deemed necessary to control outbreaks or epidemics"*, Wis. Stat. 252.03(1)-(2).

Under Wis. Stat. 252.06(3) the local health officer in the existence of a communication disease is *"required immediately to quarantine, isolate, require restrictions or take other communicable disease control measures in the manner, upon the persons"*. DHS 145.06 General Statement of the Powers for Control of Communicable Disease, further outlines measures for a person who *"may be considered to have a contagious medical condition which poses a threat to others"*. In addition, officials empowered under 145.06(6), *"may direct persons who own or supervise real or physical property or animals and their environs, which present a threat of transmission of any communicable disease under sub. (1), to do what is reasonable and necessary to abate the threat of transmission"*.

Problem Statement: In light of the Wisconsin Supreme Court ruling and the interim attorney general opinion, the Health Officer has the authority under Wis. Stat. 252.03 (1) (2) to take reasonable and

necessary actions to prevent and suppress the spread of COVID-19 in Marathon County. Those actions further defined under 252.06(3) and 145.06 can occur at an individual, household, business/non-profit/other entities, an area of the county, or countywide dependent upon the conditions occurring.

The Health Officer has carried out isolation and quarantined measures for individuals and close contacts to control the spread of COVID-19 and other communicable diseases such as M.tuberculosis, supported by enforcement authority under State Stats. 252.06 Isolation and Quarantine and DHS 145.06 General statement of powers for control of communicable disease. While the Health Officer has the authority to take reasonable and necessary actions for businesses/other entities, etc., there is no county enforcement provision in place to support such action.

Currently, the Health Officer has enforcement authority to take reasonable and necessary actions to prevent and suppress communicable diseases granted under two health department regulations:

1. Marathon County Health Department Human Health Hazard Regulation: The regulation protects the health and safety of the public and communities in Marathon County from environmental exposures that may contribute to communicable diseases, acute or chronic illness, or endanger life. This authority is granted under Wis. Stat. 254.01 (2), 254.59 and 254.593. The Health Officer has enforcement authority to issue orders and proceed with legal action by seeking a court imposed forfeiture according to the penalties set forth in Section 25.04 Penalty Provision of the Marathon County General Code of Ordinances.
2. Marathon County Agent Programs Regulation: The regulation is to protect the health and safety for the public who receives services licensed through the Marathon County Health Department under an agent contract with the Wisconsin Department of Agriculture, Trade, and Consumer Protection and the Wisconsin Department of Professional Services. Licensed entities include: restaurants, grocery, convenience store, bakery, body art, hotels, motel, tourist rooming house, bed and breakfast, swimming pool, campground, recreational and educational campground, manufactured home community. Under the regulation, the Health Officer has the authority to assess re-inspection fees for violations, to order the closure of premises that create an immediate/imminent danger to health, and to revoke a permit to operate.

Policy Recommendation: Based on the findings of the Wisconsin Supreme Court ruling, the Marathon County Corporation Counsel and County Administration is recommending that a county communicable disease ordinance be developed and presented to the County Board of Supervisors for consideration at the June meeting. Such an ordinance would provide necessary enforcement provisions to enable the Health Officer to carry out the authority granted under Wis. Stats. 252.03(1) and (2) to take reasonable and necessary actions to prevent and suppress of communicable diseases.

The Marathon County COVID-19 Order No. 1, sets forth recommended practices for individuals/families, and businesses/non-profits/and other entities with the principle that residents and business will follow the public health recommendations and guidance.

Local conditions may present situations where future orders will be necessary to protect the public's health and safety. A county communicable disease ordinance will support any future orders to control the spread of COVID-19 and any other communicable disease threats our communities may face.

COVID-19 (Novel Corona Virus 2019): Powers of Local Health Officer; Enforcement; Penalty

(1) Introduction:

- (a) Declaration of policy. This ordinance has been adopted in direct response to the COVID-19 pandemic. It has been created because institutions of Wisconsin State Government have determined that individual municipalities must take charge of managing enforcement of public health orders on a local level. The Marathon County Board of Supervisors recognizes and trusts that the clear majority of persons and businesses located within Marathon County will voluntarily follow recommendations and guidance from Public Health authorities to protect themselves, their employees, their families and each other.
- (b) Purpose and Intent. It is the purpose and intent of the Marathon County Board to ensure that any local public health orders are narrowly tailored to address specific individuals, businesses, and localities where a cluster or outbreak of cases is identified. Any public health orders issued in Marathon County must be based on confirmed cases of persons actually infected or suspected of being infected with COVID-19. This ordinance is intended to limit overly broad, universally applicable restrictions provided for within the State's "Safer at Home" order. It is also intended to protect the health and safety of the majority persons and businesses from the actions of a few, whose behavior endangers the public, by providing for clear enforcement and penalties for persons or organizations that violate lawful public health orders.
- (c) Authority. This ordinance is adopted pursuant to the authority granted in Wisconsin Statutes, Chapter 252, to prevent and suppress communicable diseases on a local level, and Wis. Stats, §59.54(6), to preserve the public peace, safety and good order within the county.
- (d) Findings. The County Board finds that:
 - 1. COVID-19 and the spread of that virus poses a unique and direct threat to the health and safety of persons living, working or visiting in Marathon County because the virus has no known treatment or vaccine, is extremely contagious, and causes death in a large percentage of persons over the age of sixty (60), or those with underlying health conditions, who contract it. Some models suggest that up to 50-70% of the population of the United States could contract COVID-19. The threat requires vigilance by the Local Health Officer and may require swift and decisive action to protect the community.
 - 2. The Wisconsin Supreme Court has declared that the Wisconsin Department of Health Services (DHS) exceeded its authority when it issued Order #28, Safer at Home. The Court took issue with DHS's order because DHS had not complied with necessary rulemaking procedures and because the Order quarantined all people within the state without regard to whether they were infected or suspected of being infected.

3. Economic, social and personal activity is essential to the well-being of our community. Any public health orders issued in Marathon County must strive to avoid inequity amongst the individuals, businesses, and communities impacted.
 4. In Marathon County, the Local Health Officer is the Director of the Marathon County Health Department. The Local Health Officer is authorized to take reasonable and necessary actions to prevent and suppress communicable diseases, pursuant to the authority granted under Wis. Stats. §252.03(1) and (2) and §252.06.
 5. The power of the Local Health Officer extends to the regulation of:
 - a. Individuals, when they have tested positive for COVID-19, they are a probable case, or are suspected of being infected,
 - b. Specific businesses and other organizations, when multiple or a cluster of cases has been identified,
 - c. Localities within Marathon County, when a localized outbreak has occurred, and
 - d. County-wide, under the limited circumstances described below.
 6. The need to issue such orders is limited in Marathon County because individuals, businesses, and other organizations should not be subjected to mandatory requirements when they are voluntarily following reasonable and necessary measures recommended by the Local Health Officer.
- (e) Applicability. This ordinance automatically sunsets effective December 31, 2021, except with respect to the continued enforcement of actions commenced prior to that date.
- (2) Definitions. In this ordinance terms have the following meanings:
- (a) "Cluster" means an aggregation of cases in a given area over a particular period.
 1. In a business or other entity, a cluster would be deemed to have occurred if cases were epidemiologically linked to the business or other entity.
 - (b) "Epidemiologically linked" means that the Local Health Officer has made a determination that the cases have a common cause or are related to one another in some way by time, place, and person. "Interfere with investigation" means knowingly giving false information to the Marathon County Health Department or knowingly preventing an investigation from being carried out properly.
 - (c) "Locality" means a geographically defined area within Marathon County.
 - (d) "Measures" means actions taken to prevent, suppress, and/or control the spread of COVID-19. Measures can include but are not limited to changes in behaviors and practices; carrying out environmental controls; screening and/or testing; restricting people's movement; and instituting workplace policies.

- (e) "Non-compliance" means failure or refusal to implement all measures recommended by the Local Health Officer or specified in a written order within a reasonable period of time.
- (f) "Outbreak" means the occurrence of more cases than expected in a localized area or community.
- (g) "Reasonable period of time" means reasonable period of time under the circumstances. Some measures may need to be implemented by recipients of written orders immediately and without delay. Most written orders will set forth a time period for recipients to implement measures.

(3) Local Health Officer's Duties and Authority [Sec. 252.03, Wis. Stats.]

- (a) Sec. 252.03, Wis. Stats. (as it currently exists or is hereafter revised) is incorporated herein by reference as if fully set forth.
- (b) The Health Officer, upon the appearance of any communicable disease in Marathon County, shall immediately investigate all the circumstances and make a full report to the County Board and Wisconsin Department of Health Services.
- (c) The Health Officer shall promptly take all measures necessary to prevent, suppress and control communicable diseases, and shall report to the County Board the progress of the communicable diseases and the measures used against them, as needed to keep the County Board fully informed, or at such intervals as the Wisconsin Secretary of Health may direct.
- (d) The Health Officer 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 Wisconsin Department of Health Services of measures taken.
- (e) No person may interfere with the investigation under this ordinance of any place or its occupants by the Health Officer or their assistants.

(4) Local Health Officer Isolation and/or Quarantine Order [Sec. 252.06, Wis. Stats.]

- (a) Sec. 252.06, Wis. Stats. (as it currently exists or is hereafter revised) is incorporated herein by reference as if fully set forth.
- (b) The diagnostic report of a physician, the notification or confirmatory report of a parent or caretaker of the patient, or a reasonable belief in the existence of a communicable disease shall require the local health officer immediately to quarantine, isolate, require restrictions or take other communicable disease control measures in the manner, upon the persons and for the time specified in rules promulgated by the department.

- (c) If deemed necessary by the local health officer for a particular communicable disease, all persons except the local health officer, his or her representative, attending physicians and nurses, members of the clergy, the members of the immediate family and any other person having a special written permit from the local health officer are forbidden to be in direct contact with the patient.
- (d) The local health officer shall employ as many persons as are necessary to execute his or her orders and properly guard any place if quarantine or other restrictions on communicable disease are violated or intent to violate is manifested. These persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the state laws for the prevention and control of communicable diseases, or the orders and rules of the department or any local health officer.
- (e) Any person found in violation of an order issued pursuant to § 252.06, Wis. Stats., or its successor statute, shall be subject to enforcement as set forth below.

(5) Administration.

- (a) Voluntary compliance through education, recommendation and referral – The primary means of prevention, suppression and control of COVID-19 is through communication with the persons, organizations and municipalities impacted by positive tests for the virus. As of the time of passage of this ordinance, there have still been fewer than 100 positive tests for COVID-19 in Marathon County. However, the mere fact that Marathon County has fewer cases than certain other counties does not eliminate the risk of local transmission. Similarly, as there no barriers preventing people travelling to and from Marathon County, continued prevention, suppression and control efforts are necessary. While it is unlikely that testing will be able to discern whether one person actually caught the COVID-19 virus from another specific person, cases can be sufficiently “epidemiologically linked” when a group of people who have tested positive share common contacts. The mission of the Marathon County Health Department is to follow up on positive tests and to recommend appropriate measures be taken voluntarily to control the transmission of the virus. There may be resources available to provide technical advice to businesses and organizations to assist with specific modifications of physical plant, policy or practice to control transmission. There is no reason to issue a mandatory order when people, businesses, organizations and localities are implementing recommendations voluntarily.
- (b) Written Order – When a person, business, organization or locality fails or refuses to implement recommendations voluntarily, the Health Officer or designee may issue a written order. With respect to persons, businesses, or organizations, said order shall be delivered personally, by First Class Mail, or sent by Certified Mail to the person, owner, operator, or occupant as the case may require. With respect to locality-specific or countywide orders, notice of said order shall be provided by publication of a Class I notice. Any order shall specify the following:

1. The findings of the Health department.
2. The measures needed to prevent, suppress or control further transmission of COVID-19.
3. The time period in which the individual, business or organization, or locality must implement or comply with various measures. Time extensions may be granted by the Health Officer.
4. The penalty or penalties the order recipient would be subject to in the event of non-compliance within the given time period, see subsection (7) below.

(6) Measures to prevent, suppress, and control COVID-19. The Health Officer is authorized to issue orders directing the implementation of the following measures to prevent, suppress, and control COVID-19 in the event voluntary compliance with recommendations is not achieved:

(a) Individuals.

1. Finding: An Individual that is diagnosed as a case of COVID-19, a probable case, or a suspected case or the individual is identified as a close contact to an individual diagnosed as probable or case of a communicable disease who is capable of developing and spreading the disease.
2. Measures may include but are not limited to:
 - a. Isolate and/or quarantine to their home or another safe place, including no contact with people outside the place the individual is ordered
 - b. Provide information regarding the people and places with which the individual had contact during the infectious period of the disease
 - c. Permit staff from the health department to contact the individual to evaluate health status, basic needs and compliance.

(b) Business, Non-Profit, Other Organizations and Entities.

1. Finding: Multiple cases, or a cluster of cases, are epidemiologically linked to the business or organization over a period of time.
2. Measures may include but are not limited to:
 - a. Direct that the entity to create an Incident Response Team
 - b. Daily health monitoring of employees and non-employees entering the premises for symptoms
 - c. Testing of employees
 - d. Environmental modifications to reduce the spread (cleaning, physical barriers)
 - e. Mandate the use of appropriate personal protective equipment and personal hygiene
 - f. Not allow employees under isolation or quarantine to come to work
 - g. Reduce the number of employees and/or stagger shifts

- h. Limit face-to-face interactions with customers
- i. Reduce hours or days of operations
- j. Temporary close operations

(c) Locality.

1. Finding: COVID-19 outbreak occurring in a defined area of the county as evidenced by a substantial increase in the number of cases over a short period of time.
2. Trigger measures are highly dependent upon the size and density of the population within the geographical area affected (*e.g.*, a 10% increase in cases on 3 consecutive days, doubling time of less than 5 days).
3. Measures may include but are not limited to:
 - a. Limitation on gatherings of non-household members.
 - b. Mandate the use of face coverings while in public areas.

(d) County Wide.

1. Finding: Widespread COVID-19 outbreak occurring whereby the health care and/or public health system is at risk of operating under crisis standards in light of the number of cases.
2. Trigger measures may include:
 - a. Insufficient Testing. Testing is unavailable or interrupted, such that local health care systems are unable to meet the Centers for Disease Control or Wisconsin Department of Health Services priority levels.
 - b. Insufficient Hospital Care Capacity. Hospitals are approaching crisis standards of care in treating all patients, as defined by the Institute of Medicine, regarding (1) availability of ICU beds, (2) availability of ventilators, or (3) availability of PPE.
 - c. Insufficient Public Health System Capacity. The Marathon County Health Department is unable to complete necessary contact tracing within 48 hours of report.
3. Measures that may be ordered include but are not limited to:
 - a. Limitations on gatherings of non-household members.
 - b. Mandate the use of face coverings while in public areas.

(7) Enforcement.

- (a) Interference with investigation – If a person, business, organization or other entity interferes with a COVID-19 investigation, they are subject to the enforcement actions and penalties set forth below.
- (b) Noncompliance with Order – If a person, business, organization or other entity is non-compliant with a written order from the Health Officer, they are subject to the enforcement actions and penalties set forth below.
- (c) Enforcement actions:

1. The issuance of a citation by a law enforcement officer.
2. Commencement of legal action seeking a court-imposed forfeiture for violation of this ordinance [see penalty below].
3. Commencement of legal action seeking an injunction and/or restraining orders to abate the interference with the investigation or non-compliance with a written order.
4. The suspension of any license or permit issued by the Health Department.
5. Any other action authorized by this ordinance or by other applicable laws as deemed necessary by the Health Officer.
6. The initiation of one action or penalty under this section does not exempt the alleged violator from any additional actions and/or penalties listed in this section.

(d) Penalties

1. Anyone violating a provision of this ordinance shall be subject to forfeiture of not less than \$100 nor more than \$25,000 per violation.
2. Continued violations. Each violation, and each day a violation continues or occurs, shall constitute a separate offense.

(e) Initiation of Legal Action – Prosecution of violations of this ordinance shall be conducted by the Office of Corporation Counsel for Marathon County. Legal action shall be initiated against a violator as requested by the Health Officer.