

RESOLUTION NO. 2020-10

RESOLUTION DECLARING THE TOWN OF ST. JOSEPH, ST. CROIX COUNTY, WISCONSIN,  
IN OPPOSITION TO THE ST. CROIX COUNTY, WISCONSIN  
PROPOSED COMMUNICABLE DISEASE ORDINANCE

**WHEREAS, *We the People*** of the Town of St. Joseph Board of Supervisors, St. Croix County, Wisconsin, as duly elected representatives of the people of the Town of St. Joseph, oppose the proposed St. Croix County, Wisconsin, Communicable Disease Ordinance for potential violation(s) of the *Constitution of the United States*, and;

**WHEREAS**, the St. Croix County Health and Human Services Board Committee and the Health and Human Services Public Health Communications Subcommittee survey respondents overwhelmingly disapprove of the proposed Communicable Disease Ordinance, and;

**WHEREAS**, the overwhelming majority of the speakers who offered citizens' comments and attended the Health and Human Services Public Health Communications Subcommittee Town Hall on October 7, 2020, spoke against the proposed Communicable Disease Ordinance, including representatives on behalf of 48 families of the Amish community, and;

**WHEREAS**, the St. Croix County Board and all enforcement committees and staff could potentially be personally legally liable as stated in TITLE 18, U.S.C., SECTION 242, Deprivation of Rights Under Color of Law<sup>1</sup>; and

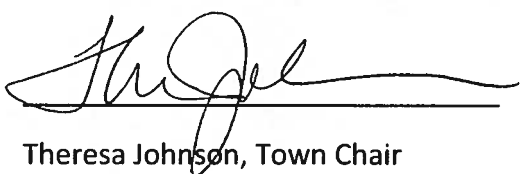
**WHEREAS**, Section 1 of the Fourteenth Amendment to the *Constitution* of the United States of America states, "...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"; and

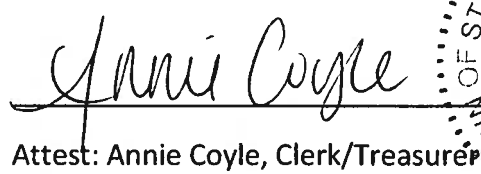
**WHEREAS**, the proposed Communicable Disease Ordinance is drafted in a manner wherein an unelected county official not only has the opportunity, but is required to "promptly take all measures necessary", up to and including potential violation(s) of the Constitutionally-protected rights of the citizens of St. Croix County.<sup>2</sup>

**THEREFORE, *We the People*** of the Town of St. Joseph do oppose and request the St. Croix County Health and Human Services Board Committee and the Health and Human Services Public Health Communications Subcommittee withdraw the proposed Communicable Disease Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of St. Joseph Board of Supervisors, St. Croix County, Wisconsin, hereby declare the Town of St. Joseph, St. Croix County, Wisconsin, to be in opposition to the proposed St. Croix County Health and Human Services Communicable Disease Ordinance.

Adopted by the Town of St. Joseph Board of Supervisors this 20 day of October, 2020.

  
Theresa Johnson, Town Chair

  
Attest: Annie Coyle, Clerk/Treasurer



<sup>1</sup> See *Cameron v. City of Milwaukee*, 102 Wis. 2d 448, 458, 307 N.W.2d 164, 169 (1981); *Layne v. Sampley*, 627 F.2d 12 (6th Cir. 1980); *Traver v. Meshriy*, 627 F.2d 934, 938 (9th Cir. 1980); *Wirth v. Surlis*, 562 F.2d 319, 321 (4th Cir. 1977); *Davis v. Murphy*, 559 F.2d 1098, 1101 (7th Cir. 1977).

<sup>2</sup> See St. Croix County proposed Communicable Disease Ordinance. <https://www.sccwi.gov/969/Proposed-Communicable-Disease-Ordinance>