



## AGENDA

Eau Claire County Board of Supervisors  
Tuesday, February 2, 2021 at 7 pm  
Virtual Meeting via Webex

For those wishing to make public comment (verbal or written), you must fill out your information on the following link and click “Submit” **at least 60 minutes prior** to the start of the meeting. Verbal comments are called in the order received. Comments are limited to 3 minutes/person – session has a 1-hour maximum. Link: [County Board Electronic Comment Form](#)

### Public Access:

LIVE Streaming on YouTube: <https://www.youtube.com/user/EauClaireCounty>  
*(individuals who will be making public comment should use the access information below during the session. YouTube is a streaming service only and public comment will not be available through the platform)*

Dial in Number: 1-415-655-0001

Access Code: 145 851 2692

*\*Mute personal devices upon entry*

- (1) Indicates 1<sup>st</sup> Reading
- (2) Indicates 2<sup>nd</sup> Reading

1. Call to Order
2. Honoring of the Flag
3. Call of the Roll
4. **PUBLIC COMMENT (1-hour session - 3 minutes per speaker)**
5. **FIRST READING OF ORDINANCES AND RESOLUTIONS BY MEMBERS**

### Committee on Administration

#### File No.

Amendment offered by Supervisor Smiar for File No. 20-21/100 **Page 1**

20-21/100 (2) Ordinance – To create chapter 8.35 of the Code: COVID-19 Communicable Disease Mask Requirement **Pages 2-5**

EAU CLAIRE COUNTY BOARD OF SUPERVISORS


AMENDMENT NO. 1

TO FILE NO. 20-21/100

OFFERED BY SUPERVISOR SMIAR

AMEND THE ORDINANCE, AMENDMENT AS FOLLOWS:

1. On page 2, line 48, insert ", the legislature, " after the word "Wisconsin"



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Nick Smiar, Supervisor District 15

TJS

**FACT SHEET**  
**for File No. 20-21/100**

The wearing of a properly fitting face covering has been determined by the Center for Disease Control, the State of Wisconsin, and numerous public health partners to reduce the spread of COVID-19. Cloth face coverings, along with social distancing, hand washing, proper coughing and sneezing etiquette, cleaning and disinfection of high-touch surfaces, and increased ventilation, help reduce the spread of the virus. When we reduce the widespread transmission of the virus, our businesses and schools can remain open, and we can reduce the amount of disease, hospitalizations, and death in our community.

The proposed ordinance will take effect only in the event that a state-wide face covering requirement no longer exists. The proposed ordinance includes language that it will end on June 30, 2021, unless repealed earlier through Eau Claire County Board action.

This ordinance is a companion to one being considered by the Eau Claire City Council and requires the wearing of face masks by all individuals 5 and older, unless exempted for medical or security reasons, as described in the ordinance. The face covering requirements are substantively similar to those in the State orders that started in the late summer of 2020. The ordinance also requires that buildings open to the public post a sign regarding face covering requirements at their entryway.

The ordinance has been presented to the City-County Board of Health, the Eau Claire Chamber of Commerce, local healthcare & educational partners, and business leaders for review and input.

For additional information related to the effectiveness of wearing face coverings please visit:

<https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html> and  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7228401/pdf/JMV-9999-na.pdf>

<https://www.dhs.wisconsin.gov/covid-19/mask.htm>

Respectfully submitted by,

Lieske Giese – Eau Claire City-County Health Director

2  
3 TO CREATE CHAPTER 8.35 OF THE CODE: COVID-19 COMMUNICABLE DISEASE  
4 MASK REQUIREMENT

5  
6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

7  
8 SECTION 1. That Chapter 8.35 of the code be created to read:

9  
10 Chapter 8.35

11  
12 COMMUNICABLE DISEASE MASK REQUIREMENT

13  
14 Sections:

15  
16 8.35.010 Purpose.

17 8.35.020 Definitions.

18 8.35.030 Jurisdiction.

19 8.35.040 Requirement to wear a face covering.

20 8.35.050 Exceptions to the requirement to wear a face covering.

21 8.35.060 Enforcement.

22 8.35.070 Effective date and sunset.

23  
24 8.35.010 Purpose. The purpose of this ordinance is to promote and protect the public  
25 health, safety, and general welfare of the residents of Eau Claire County during the 2020-2021  
26 world-wide COVID-19 pandemic and to be prepared in the event that the current order issued by  
27 the governor of the State of Wisconsin is vacated or not extended.

28  
29 8.35.020 Definitions. The following definitions apply throughout this ordinance:

30 A. "Face Covering" shall mean a piece of cloth or other material that is worn to  
31 cover the nose and mouth completely. A "face covering" includes but is not limited to a  
32 bandana, a cloth face mask, a disposable paper mask, a neck gaiter, or a religious face covering.  
33 A "Face Covering" does not include face shields, mesh masks, masks with holes or openings, or  
34 mask with vents.

35 B. "Local health officer" shall mean the city-county health officer as defined by sec.  
36 252.01(3), Wis Stats.

37 C. "Physical distancing" shall mean maintaining at least six feet of distance from  
38 other persons who are not members of your household or living unit.

39  
40  
41 8.35.030 Jurisdiction. Pursuant to sec. 251.08, Wis. Stats., jurisdiction of this ordinance  
42 by the Eau Claire City County Health Department shall extend to the entire area within Eau  
43 Claire County, except that jurisdiction does not extend to cities, villages, and towns that have  
44 local health departments.

45  
46 8.35.040 Requirement to wear a face covering. Every person, age five or older, who is  
47 located within the jurisdiction of Eau Claire County shall wear a face covering if the following  
48 apply:

49 A. The person is indoors or in an enclosed space, other than a private residence; and,

1 B. Another person or persons who are not members of the individual's household or  
2 living unit are present in the same room or enclosed space.

3 C. Face coverings are strongly recommended in all other settings, including  
4 outdoors, when it is not possible to maintain physical distancing.

5 D. Buildings with public access are required to post a notice at their entrance that  
6 face coverings are required.

7  
8 8.30.050 Exceptions to the requirement to wear a face covering.

9 A. Persons who are otherwise required to wear a face covering may remove the face  
10 covering in the following situations:

- 11 1. While eating or drinking.
- 12 2. When communicating with an individual who is deaf or hard of hearing  
13 and communication cannot be achieved through other means.
- 14 3. While obtaining a service that requires the temporary removal of the face  
15 covering, such as dental services.
- 16 4. While sleeping.
- 17 5. While swimming or on duty as a lifeguard.
- 18 6. While a single individual is giving a religious, political, media,  
19 educational, artistic, musical, or theatrical presentation for an audience, the single speaker may  
20 remove the face covering when actively speaking if the speaker remains at least 6 feet away from  
21 all other individuals at all times, when his or her face covering is removed.
- 22 7. When engaging in work where wearing a face covering would create a risk  
23 to the individual as determined by government safety guidelines.
- 24 8. When a federal or state law or regulation prohibits the wearing of a face  
25 covering.

26 B. According to Centers for Disease Control (CDC) guidelines, the following are  
27 exempt from the requirement to wear a face covering:

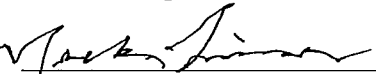
- 28 1. Children between the age of 2 and 5 are encouraged to wear a face  
29 covering when physical distancing is not possible. The CDC does not recommend face  
30 coverings for children under the age of 2.
- 31 2. Persons who have trouble breathing.
- 32 3. Persons who are unconscious, incapacitated, or otherwise unable to  
33 remove the face covering without assistance.
- 34 4. Persons with medical conditions, intellectual or developmental disabilities,  
35 mental health conditions, or other sensory sensitivities that prevent the person from wearing a  
36 face covering.
- 37 5. Incarcerated individuals. The Eau Claire County Jail will continue to  
38 comply with COVID-19 protocols to ensure the health and safety of staff and inmates.

39  
40 8.35.060 Enforcement. Failure of an individual to comply with this ordinance may result  
41 in the issuance of a citation by the local health officer, or his or her designee, or any law  
42 enforcement officer, resulting in a forfeiture of \$200.00 per incident, with each incident  
43 constituting a new and separate violation.

44  
45 8.35.070 Effective date and sunset. This ordinance will go into effect only if the  
46 Emergency Order dated November 20, 2020 issued by the governor of the State of Wisconsin  
47 requiring the use of face coverings, or any successor face covering order of the governor is  
48 vacated by a decision of the Supreme Court of the State of Wisconsin, or if the governor does not  
49 extend the order. This ordinance will be published as a class 1 notice and will become effective

1 the day after publication. This ordinance will sunset on June 30, 2021 and will be automatically  
2 repealed on that date unless otherwise repealed earlier by action of the Eau Claire County Board  
3 of Supervisors.

I hereby certify that the foregoing  
correctly represents the action taken  
by the Committee on Administration  
on January 12, 2021 by a vote of 3  
for, and 2 against.

  
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Nick Smiar, Chair  
Committee on Administration

TSJ/ljl

Reviewed by Finance Dept.  
for Fiscal Impact  
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**APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM**