

Resolution to End Enforcement of Covid-19 Orders and Restore Constitutional Freedoms to Ottawa County

Historical Context

WHEREAS, the Ottawa County Board of Commissioners swore an oath to uphold the Constitutions of the United States and the State of Michigan, which protect our rights to life, liberty, and pursuit of happiness, and further preserve the right of parents to determine the care of their children. The Constitutions also guarantee freedom of religion, speech, and assembly, as well as due process of law; and

WHEREAS, constitutional freedoms are not suspended in times of crisis. Although the threat from the COVID-19 virus is serious, civil liberties are not contingent on public health crises; and

WHEREAS, we recognize that Title 18, U.S.C. Section 242, states that, “Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; “ and

WHEREAS, on March 10, 2020, Governor Whitmer declared a State of Emergency and subsequently issued nearly 200 Executive Orders closing public and parochial schools, depriving citizens of “non-essential” medical and dental procedures, prohibiting assembly in public places and private residences, prohibiting citizen’s movement including travel between their own residences, instituting contact tracing and quarantines, closing “non-essential” businesses, even prohibiting outdoor work deemed “non-essential”, re-opening select businesses with restrictions, restricting the purchase of seeds and other “non-essential” goods, restricting the use of motorized boats, and requiring the wearing of masks. After the Michigan Supreme Court ruled that her orders were unconstitutional, similar orders were and continue to be issued through her administrative branch via the Michigan Department of Health and Human Services (MDHHS), including masking children and toddlers as young as 2 years of age, coerced medical procedures in the form of forced COVID-19 testing of student athletes, and quarantine of healthy students without due process. Most recently, Governor Whitmer has stated that freedom from such orders may possibly come when a large percentage of the Michigan population undergoes a medical procedure, which has only been given Emergency Use Authorization; and

WHEREAS, the initial purpose as stated in EO 2020-05 on March 13, 2020, was “to mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and this state’s health care system and other critical infrastructure,” and noted “there is currently no approved vaccine or antiviral treatment for this disease.” Much was unknown at the time; and

WHEREAS, these orders of the Governor and MDHHS stripped citizens of personal choice and eroded the constitutional rights and freedoms of citizens and parents, resulting in undue burden, restrictions, and irreparable harm to citizens, local businesses and employees, loss of student education and socio-emotional development, and increased mental health and suicide risks of the youth of Ottawa County; and

WHEREAS, differing opinions on the path to be taken in response to COVID-19 should be robustly debated and chosen by legislators that have been elected by the people. Governor Whitmer and state agencies do not have authority to unilaterally impose orders that essentially equate into laws; and

WHEREAS, Ottawa County recognizes the heroic efforts of front-line workers, citizens and businesses who have diligently worked to mitigate the spread of COVID-19, does not dismiss the seriousness of COVID-19 to citizens in vulnerable demographics, and appreciates the need for appropriate policies to mitigate the spread of the COVID-19 virus, while protecting the constitutional rights of individuals and local and state economic interests; and

Findings One Year Later

WHEREAS, one year following the arrival of Covid-19 in the State of Michigan, Ottawa County finds 80.3% of deaths occurred in 9.8% of the population—ages 70 and up, and 91.8% of deaths occurred in ages 60+. The average age of death in Ottawa from Covid-19 is 79.2 years, and the median age of death is 81, with the average life expectancy in the United States being 78.7 years. The age summary for deaths categorized as Covid-19 in Ottawa County is as follows (as of May 19, 2021):

Age	0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80+ yrs.
Deaths	0	0	2	4	6	21	46	102	220
% deaths	0%	0%	0.5%	1%	1.5%	5.2%	11.5%	25.4%	54.9%
Known Cases	1391	5075	6620	4613	4254	4358	3048	1681	1255
Fatality rate	0	0	0.03%	0.09%	0.14%	0.48%	1.51%	6.07%	17.53%
Recovery rate	100%	100%	99.97%	99.91%	99.86%	99.52%	98.49%	93.93%	82.47%
% of Population	13.3%	14.9%	15.6%	12.1%	11.2%	12.3%	10.7%	6.2%	3.6%

WHEREAS, we mourn those we have lost in Ottawa County. We also grieve those living in nursing homes and staying in hospitals have been deprived of contact with loved ones in the last year. At the same time state policy placed COVID-19 positive patients in nursing homes where the most vulnerable population resides; and

WHEREAS, measured, reasonable actions can be used to protect the elderly in residential care, while allowing for contact with loved ones. Older, higher risk adults still have the right to determine what is best for their own life, liberty, and pursuit of happiness, including personal health measures; and

WHEREAS, younger members of our County are not at significant risk from the Covid-19 virus, with zero deaths age 0-19, and a recovery rate of over 99% through age 59—which represents over 80% of our County population. Mandated measures of masking children as young as 2 years of age, coerced testing of teen athletes, and quarantining students—with negligible illness surfacing, have negatively affected socio-emotional development and education, and deprived children of positive activities and once-in-a-lifetime events. The risk of anxiety, depression and death from suicide has increased and is a greater risk to our youth than Covid-19—a mental health crisis which MUST be weighed. Area hospitals are not filled with youth with Covid-19, but rather with youth on suicide watch as local inpatient mental health facilities are filled to capacity; and

WHEREAS, we now have safe and effective therapeutics proven to save lives, our hospitals are well equipped and not overwhelmed. Ottawa County's death rates continue to be low, hospital beds and ventilators continue to be available, and vaccines are available to those who desire them, with over 73% of the most vulnerable residents ages 65 and up having completed Covid-19 vaccination; and

WHEREAS, Michigan has not seen better viral control and outcomes than states which allowed for personal choice on health measures. Covid-19 may continue to pose health risks for an extended period of time, but stripping constitutionally protected freedoms by means of orders for the sake of the medically vulnerable is not sustainable in a society; and

WHEREAS, MDHHS and the local health departments appear to have quarantined healthy students without legal authority or providing due process to citizens. MDHHS orders give Health Departments and local Sheriff's Departments authority to enforce their orders, but do not require enforcement;

Restoring Freedom to Ottawa County

THEREFORE, BE IT RESOLVED, the Ottawa County Board of Commissioners will no longer support unconstitutional orders unilaterally imposed by Governor Whitmer and state agencies regarding COVID-19 without the authority of law. Constitutional freedoms are not to be suspended in times of crisis; and

FURTHER, we direct the County Administrator to notify department heads that no funds or resources are to be expended for enforcement or pressured compliance to any orders regarding COVID-19, to include license reporting or barring access to schools, churches, businesses and operations that fail to comply with such orders; and

FURTHER, we direct no use of funds for the arrest and prosecution of any person accused of violating emergency orders regarding COVID-19. We encourage the Ottawa County Sheriff's Department and the Ottawa County Prosecutor's Office to uphold their oaths of office to support the Constitution, and make this the lowest priority; and

THEREFORE, BE IT FURTHER RESOLVED, we trust the citizens of Ottawa County to act responsibly towards others while determining what is best for themselves and their families in contending with risks associated with the COVID-19 virus. Measured, reasonable actions are encouraged to protect the elderly in residential care, while allowing for contact with loved ones. We encourage churches, public and private schools, and local businesses to use their own good judgment to operate in a manner which minimizes risk to citizens while protecting the health and welfare of their businesses, care for their employees, and the community; and

FURTHER, information regarding Covid-19 Statistics, Risks and Resources will remain on the Ottawa County website as a resource for residents. The County will continue to provide Covid-19 vaccines and testing for those who desire them. As all medical procedures carry risk, opening our County is not dependent on residents choosing to be vaccinated or tested. Ottawa County will not support the use of vaccine passports, or differing treatment of unvaccinated individuals in schools, businesses, and public places; and

FURTHER, on behalf of the citizens of Ottawa County, we call on Governor Whitmer, MDHHS, and MIOSHA to immediately end all orders and restrictions related to Covid-19, and cease from issuing more in the future. We request the Michigan Legislature adopt constitutionally sound measures which limit the unchecked exercise and abuse of executive power and administrative

agencies, and which restore individual responsibility and freedom, not dependent on public health data; and

FURTHER, we request a copy of this Resolution be sent to Governor Whitmer, Senator Victory, Representative Meerman, Representative Slagh, Representative Lilly, the Michigan Senate, the Michigan House of Representatives, the Michigan Association of Counties and to the Clerk of each County in the State of Michigan.

Respectfully submitted,