

RESOLUTION

NO: 2020-10-244

LIVINGSTON COUNTY

DATE: October 13, 2020

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## Resolution Rescinding Mandatory Use of Face Coverings - Board of Commissioners

**WHEREAS,** the Board of Commissioners previously approved resolution 2020-05-138 (Resolution Approving the Livingston County COVID-19 Preparedness and Response Plan); and

**WHEREAS,** in order to place Livingston County in compliance with executive orders issued by the Michigan Governor, this plan included the mandatory use of face coverings by County employees and by visitors to County facilities; and

**WHEREAS,** on 10/2/20, the Supreme Court ruled on the legality of the Governor's Executive Orders when it issued its opinion regarding CERTIFIED QUESTIONS FROM THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION (MIDWEST INSTITUTE OF HEALTH, PLLC v GOVERNOR) Docket No. 161492; and

**WHEREAS,** in a unanimous decision the Supreme Court ruled, "The Governor did not have authority after April 30, 2020, to issue or renew any executive orders related to the COVID19 pandemic under the EMA." (Emergency Management Act of 1976). A majority of the Court also ruled, "The Governor did not possess the authority to exercise emergency powers under the EPGA because the act unlawfully delegates legislative power to the executive branch in violation of the Michigan Constitution." (Emergency Powers of the Governor Act of 1945); and

**WHEREAS,** it is now clear that the Board of Commissioners prior approval of mandatory face coverings was predicated upon unconstitutional orders issued by the Governor of Michigan.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners hereby rescinds its approval of those portions of the Livingston County COVID-19 Preparedness and Response Plan requiring, under the terms of the Plan, mandatory use of face coverings for citizens visiting county facilities. This action only applies to Board of Commissioner's the approval of the Livingston County COVID-19 Preparedness and Response Plan and does not supersede or effect any requirement imposed by valid Federal, State or Local order/law nor does it act to supplant or supersede the legal authority granted to individual County elected officials.

**BE IT FURTHER RESOLVED** this resolution does not prevent a citizen, from voluntarily wearing a face covering, and that the Board of Commissioners encourages all citizens to voluntarily comply with guidelines established to mitigate the spread of COVID19. We also encourage the Governor and Legislature to develop statewide policies that effectively preserve our liberties, mitigate the spread of COVID, and return our economic vitality.

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**MOVED:  
SECONDED:  
CARRIED:**