

COMMITTEE REPORT

To: Executive Committee and County Board
From: Don Kriefall, County Board Chair
Date: 12 August 2020
Re: Advisory Resolution on Emergency Order #82

POLICY QUESTION:

Should the Executive Committee recommend the county board oppose the governor's Emergency Order #82?

DISCUSSION:

Under state law, the Governor may issue a public health emergency which shall not exceed sixty days. The emergency may be extended or revoked by the legislature. It governor may not extend the emergency; however, he may revoke it.

On March 13, 2020, Governor Tony Evers issued an executive order declaring a public health emergency for COVID-19, which expired in May.

On July 30, 2020, Governor Tony Evers issued a second executive order declaring a public health emergency for COVID-19. The governor issued a subsequent emergency order under the powers of a public health emergency. He may issue more orders with the effect of law. This is an illegal extension of his first public health emergency.

County Executive Josh Schoemann immediately and publicly opposed the public health emergency because it lacked legislative support, is bad process, and an executive overreach. The majority party of the State Senate also opposed the declaration and has indicated they have support to revoke the order through joint resolution of the legislature.

This advisory resolution calls for the legislature to use their authority to revoke the public health order, supports County Executive Schoemann in his approach, and asks the Governor to begin to work with the legislature to respond to COVID-19.

The Governor and his agencies have issued so-called "emergency rules" which are reviewed by the legislature for several agencies including Administration, Workforce Development, Transportation and others. Health Services could put forward several rules for legislative review.

The Governor should work with the legislature to respond to COVID-19 as I, as county board chair, have worked with the health department and county executive in Washington County.

This resolution does not authorize the county to get into litigation as plaintiffs related to the health emergency. This resolution is not about the mask mandate. It is about good government and governing under checks and balances as our founders intended.

ATTACHMENTS:

- Draft Resolution

FISCAL EFFECT:

(none)

RECOMMENDATION:

Motion to recommend the County Board approve the advisory resolution.