

# WASHINGTON COUNTY, WISCONSIN

Date of enactment: \_\_\_\_\_  
Date of publication: \_\_\_\_\_

## 2020 RESOLUTION 21

### **Advisory Resolution Opposing Governor Tony Evers' Executive Order #82 Declaring a Statewide Public Health Emergency**

**WHEREAS**, on March 13, 2020, Governor Tony Evers signed Executive Order #72 proclaiming a public health emergency in the State of Wisconsin as a result of the worldwide COVID-19 pandemic pursuant to his statutory powers under Chapter 323 of the Wisconsin Statutes; and

**WHEREAS**, in response to the Governor's proclamation, the State of Wisconsin Department of Health Services Secretary-Designee Andrea Palm issued numerous emergency orders including Emergency Orders #12 and #28 more commonly known as "Safer at Home" orders which had the effect of shutting down the Wisconsin economy and directed the citizens of Wisconsin to remain in their homes except in limited circumstances; and

**WHEREAS**, under state law, the Governor's emergency declaration shall not exceed sixty days unless extended by a joint resolution of the legislature; and

**WHEREAS**, the legislature did not extend the public health emergency thereby ending the Governor's ability to unilaterally issue orders; and

**WHEREAS**, the Supreme Court of Wisconsin overturned the "Safer at Home" order on the basis that the Governor and his administration did not follow proper statutory procedure in enacting such orders; and

**WHEREAS**, on July 30, 2020, Governor Evers issued Executive Order #82 which created a second public health emergency in response to the ongoing COVID-19 worldwide pandemic; and

**WHEREAS**, the new public health emergency is an attempt by the Governor to once again circumvent the statutory process to declare a public health emergency under Chapter 323 of the Wisconsin Statutes without the legislature's consent; and

**WHEREAS**, since the founding of our country, checks and balances has ensured one branch of government does not become more powerful than the others, which is why emergency orders must be extended by the legislature and should not be recreated by the executive;

**NOW, THEREFORE, BE IT RESOLVED** by the Washington County Board of Supervisors that this board supports the efforts of the majority party in the Wisconsin State Senate to revoke Executive Order #82 and calls on the leaders in both chambers to call an extraordinary session to pass a joint resolution revoking the Executive Order.

1           **BE IT FURTHER RESOLVED** that the County Board calls on Governor Evers to work  
2 with the legislature through emergency rules and other good faith avenues to respond to COVID-  
3 19 in a united effort.

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7 VOTE REQUIREMENT FOR PASSAGE: Majority

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9 RESOLUTION SUMMARY: Advisory Resolution Opposing Governor Tony Evers' Executive  
10 Order #82 Declaring a Statewide Public Health Emergency.

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12 Approved as to form: Introduced by members of the EXECUTIVE  
13 \_\_\_\_\_ COMMITTEE as filed with the County Clerk.

14 Bradley S. Stern, County Attorney

15 Dated \_\_\_\_\_

16 Donald A. Kriefall, Chairperson

17 Approved: Considered \_\_\_\_\_

18 \_\_\_\_\_ Adopted \_\_\_\_\_

19 Josh Schoemann, County Executive Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_

20 Dated \_\_\_\_\_ Voice Vote \_\_\_\_\_

21 ☐ Veto

22 ☐ Partial Veto

23  
24 (no fiscal effect)