



PRESS RELEASE

Portage County Executive Summary:

What Is Going On?

This has been a question many people across the state have been asking themselves since the Supreme Court issued its ruling Wednesday night invalidating the Safer-At-Home order and essentially opening up the state with no warning or lead time. Hardly the phased opening we all figured we were headed for. This is why the Legislature had requested a six-day stay from the Court if they prevailed. They knew that the state would not do well in the wake of a decision in their favor if there was not at least an interim plan in place to help manage the transition from the Safer-At-Home order to whatever came next. Nevertheless, the Supreme Court paradoxically decided that a stay wouldn't be granted. All-of-a-sudden, the entire state response was punted into the laps of public health officers across Wisconsin who did not ask for that and, to be quite frank, are not 100% sure what to do with it given the lack of clarity in parts of the Court's decision and state statute. There are still a number of questions about the authority granted by statute to local health officers as well, and that's not making anything any easier for anyone.

Unfortunately, the confusion created by the Court's ruling has led to the anger and frustration that many have felt being directed to local officials and public health officers who don't have the luxury of knee-jerk responses when it comes to the next steps for their jurisdictions. It's understandable that in the cloud of confusion people would react to the information they do have, which is inherently limited by the way this has played out. Even on Monday the 18th of May—almost five days after the Court's decision—Wisconsin is still trying to sort things out. The way I see it, it's my job and the job of county staff to provide as much clarity as we can for you based on what we know today. Of course, as we've now come to expect during this COVID-19 crisis, tomorrow is another day and with it comes new knowledge and information.

So what is going on up to today? Here's a list of what's happened in the past four days:

- Late Wednesday evening, counties found themselves needing to respond to a 161-page Supreme Court ruling that people still don't fully understand. The lack of clarity in areas of the ruling have led to numerous questions that legal counsels with far more knowledge than I have say still aren't completely answered. When we're talking about the laws that elected officials and law enforcement swear to uphold and abide by, it's important to get that right.
- Thursday, discussions were constant and mainly focused on what counties could or could not do. In the aftermath of the ruling, the Evers Administration had provided some counties with template orders to use that extended the Safer-At-Home order. Issues surrounding whether or not counties had a body of law for public health to uphold the template order pointed to risks—legal and otherwise—for counties in advancing one. So, later Thursday and on Friday, numerous counties rescinded or modified the orders they had issued. PBS Wisconsin did a great job of capturing the moment [here](#).

- Friday was more conversations about where counties were positioned legally and practically, and there were few new details until about 4pm when a statewide call took place and the Department of Justice (DOJ) entered the conversation. Specifically, Attorney General Kaul informed counties that he has fast-tracked the interim opinion process at DOJ in order to try and provide some clarity on higher level questions (i.e. broad brush impressions) surrounding the Supreme Court ruling. This was in response to the emergency request that was submitted by Outagamie County Executive Tom Nelson. That opinion says several different things ([see here](#)) and, as AG Kaul noted on the call, doesn't provide answers to everything. It's also being interpreted in different ways and there continued to be questions about what can and cannot be done by county governments. All of that being said, the opinion is certainly helpful in that it advances the statewide conversation a step further.
- By this time, the vast majority of counties had responded in a way that is the same or very similar to what [Portage County has done](#). I can assure you that they did not arrive to those conclusions because they do not care about the public, public health, or any aspect of the communities they serve. To suggest otherwise is disingenuous and counterproductive, at best.
- Conversations continued over the weekend, and on Sunday the Governor's Office noted that they were coming out with a modified template of the previous order template that counties could look at using. The final draft, at the time of writing, has not come out, but it has been reviewed by dozens of people and agencies in Madison to understand the modifications and to determine if it resolves some of the questions that made the first order problematic.
- This morning, Monday, there was a call at 9:30 to discuss all of these developments. Long story short? The water is still murky, and counties and others continue to work tirelessly on this so that we can figure out what next steps are truly available. It was noted on the call that the Legislative Reference Bureau (LRB), which helps write the laws in our state, was also doing its own research into everything to put out its own guidance for counties.
- In the background, the state has been open for several days and some businesses have re-opened. Many others have not for one reason or another, but this reality is also one that counties will need to incorporate into their approach. The recommendations from Portage County and every county official I know of have remained the same as well. If you're going to open your business, follow the WEDC guidelines. If you're an individual, continue to practice social distancing, keep up with the good hygiene, strongly consider using cloth face coverings while in public, disinfect surfaces regularly, if you're sick you should stay home, and if you're a member of a vulnerable population you should continue to shelter at home and/or avoid interacting with others.

If you're reading this and can't believe that this could possibly be true, feel free to call my office (715)346-1997 or to call any county in the state and ask them what they think has been going on. I can assure you that they will report to you exactly what I've reported here and regardless of whatever local decisions they've taken. I only say this because from the onset of this situation, there have been some who have seen this all as very cut and dry. Nothing could be further from the truth.

So this is just the last four days. In a socially distanced world that meets remotely, it might be hard to see everything going on in the county, so let me touch on that for a moment as well. Two months ago, the county started issuing daily press releases, which can be found [here](#). This includes a daily dashboard and situation report from the Division of Public Health. The county's Emergency Operations Center

(EOC) has been operating for two months, and it meets three times per week to coordinate communication and the overall county effort. The Wisconsin Counties Association holds at least two calls per week for county officials, and one call brings in municipal officials via the League of Wisconsin Municipalities. These calls discuss everything from pandemic response to questions around budgets and finance. The Division of Public Health coordinates a COVID-19 Community Health Response call that brings together our regional partners at the HERC (Healthcare Emergency Readiness Coalition), our local hospitals, law enforcement, Fire/EMS, Emergency Managers, local elected and unelected officials, and others. There's also a community needs group that is spearheaded by the United Way of Portage County and focuses on some of our most vulnerable communities here in the county.

You should also check out the Portage County Economic Recovery Team or PCERT, which meets at least twice per week and provides a regular briefing for local businesses on a variety of topics. You can find their website [here](#).

There is also a statewide call for Public Health Officers and others that the Department of Health Services holds every day, and all of this is part of our COVID-19 response. The rest of the work in local governments and agencies also has to get done. No small feat.

The most important takeaway for you is that the work at the Division of Public Health has not stopped because of the Supreme Court's ruling. Public Health Officers in every county across the state have been working diligently within their jurisdictions from the very start of the COVID-19 crisis. Nothing has changed in that regard, and their knowledge and expertise—collectively and individually—is what guides our processes here in Portage County. Not partisan politics. Not uninformed opinions. Not any of the pernicious things that we've seen emerge as a part of this pandemic.

Behind the scenes, there are hundreds of people working together, talking with each other, sharing ideas, sharing opinions, and generally trying to help each other and the residents of Wisconsin get through the pandemic and, now, the situation that they were forced into last Wednesday night.

I hope that this is reassuring and serves as a reminder that people who have dedicated their professional careers to public service have not decided to abandon their posts. On the contrary, they are digging deep to find the energy to continue doing what they do best. I support them and trust them 100%, and in the midst of a pandemic and wake of the Supreme Court ruling, we all need them more than ever.

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