POLK COUNTY, WISCONSIN

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NOTICE & AGENDA OF ADDED, EMERGENCY, SPECIAL MEETING

Of **Polk County Board of Supervisors**

3:00 p.m. Friday, May 1, 2020

Virtual, Open Meeting via Webex Video Conference or Phone

Webex Virtual Meeting Info:
Meeting Number (access code): **962 648 887**
Password: **51CoBoard**

- Join Online: https://polkwi.webex.com
- Join by Phone: 1-408-418-9388

Because of the nature of this virtual meeting, there will not be an option for public comment; however, members of the public who would like to make a written comment prior to the meeting may email their comments to: countyclerk@co.polk.wi.us You may also mail in comments to the topics, however they may not be received and provided to the Supervisors by the date of the meeting.
The mailing address is: POLK COUNTY GOVERNMENT CENTER
100 POLK PLAZA, STE. 110
BALSAM LAKE, WI 54810

Order of Business:

1. Call to Order
2. Receipt of Evidence and Opinion on Proper Notice of Added Special Meeting
3. Roll Call
4. Pledge of Allegiance
5. Consider a Motion to Suspend the Rules of Order to allow for changes in seating arrangements, and to address matters on this Agenda that have not yet been to a committee (noted below with "⅄").
6. Approval of Agenda Conforming to Notice of Special Meeting

**Following the Approval of Agenda, the County Board will convene as the Committee of the Whole on matters noticed herein. The Committee of the Whole may receive information, deliberate and provide the County Board with recommendation concerning such noticed Subject matters. The Committee of the Whole may not take final action on such matter. Once the Committee of the Whole adjourns and the County Board reconvenes to conduct legislative activity, the County Board may take action on such matters noticed herein and consider recommendations of the Committee of the Whole.

7. Committee of the Whole:
   a. Discussion of Resolutions Noticed on the Agenda

Following adjournment of the Committee of the Whole, the County Board will reconvene as a legislative body to take up, consider and act upon the subject matters identified herein, as follows:

8. Reconvene as County Board
9. Proposed Resolutions, Ordinances and Other Board Action:
   a. ⅄ **Resolution 12-20:** Resolution Concerning the County's Response to the Economic Emergency That Has Resulted From Governor Evers' Safer-At-Home Orders *(Resolution 12-20 to be distributed on the floor)*
10. Adjourn

This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

Resolution No. 12-20

RESOLUTION CONCERNING THE COUNTY'S RESPONSE TO THE ECONOMIC EMERGENCY THAT HAS RESULTED FROM GOVERNOR EVERS' SAFER-AT-HOME ORDERS

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF POLK:

Ladies and Gentlemen:

WHEREAS, the Polk County Board recognizes the need for enhanced safety precautions to protect the public during this public health emergency; and

WHEREAS, the Polk County Board cares deeply for the physical health of everyone who works, lives or recreates in Polk County; and

WHEREAS the Polk County Board believes individuals and businesses have been, and will continue to, self-regulate by following physical distancing and increased attention to personal and area sanitation measures; and

WHEREAS, Polk County has only had four COVID-19 positive tests and three of them have fully recovered and three are no hospitalizations regarding COVID-19 currently; and

WHEREAS, Polk County is now experiencing a healthcare crisis because hospitals are laying off and furloughing employees; and

WHEREAS, without immediate action, Polk County, its businesses and taxpayers will suffer catastrophic economic harm; and

WHEREAS, it is the Polk County Board's belief that the County should begin supporting the opening of business in a safe manner and that any business in Polk County complying with the appropriate safety measures to protect employees and customers should not be subject to any action by Polk County or its staff relating to Governor Evers' Orders; and

WHEREAS, the Governor's Orders have been ambiguous and difficult to interpret with any measure of consistency and this has led to absurd and haphazard enforcement measures taken by various communities and officials; and

WHEREAS, rural Polk County is closer to the Twin Cities metropolitan area, that is loosening restrictions on businesses, than it is to the affected areas in Wisconsin, such as Milwaukee; and

WHEREAS, local communities in this rural area in the best position to determine for themselves, with the input of experts, how to safely and methodically allow businesses to reopen while keeping safety as a priority; and

WHEREAS, many local businesses are at a high risk of shutting down completely or suffering irreparable economic damage that will have a lasting and negative impact on the livelihoods of many Polk County residents; and

WHEREAS, many of these same businesses were not able to obtain the much needed economic stimulus money through the various federal programs and will simply not survive until the current anticipated end to the closures on May 26, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors vehemently urges the Governor to allow regions within the State to determine for themselves the best and safest way to allow businesses to slowly reopen; and

BE IT FURTHER RESOLVED, that the Polk County Board of Supervisors encourages local officials to exercise their discretion on enforcement of the Governor's Orders in a manner that is reasonable, especially when businesses are voluntarily following physical distancing and other recommended safety measures.

BE IT FURTHER RESOLVED, that the Polk County Board of Supervisors directs the County to work with local health experts to educate businesses on best practices regarding physical distancing and other safety measures to keep our community safe.

BY: _____
Brad Olson, Supervisor, District #1

_____
Doug Route, Supervisor, District #2

_____
Steve Warhdahl,
Supervisor, District #3,

_____
Chris Nelson, Supervisor, District #4

_____
Tracy LaBlanc, Supervisor, District #5

_____
Brian Masters, Supervisor, District #6

_____
Michael Prichard, Supervisor, District #7

_____
James Edgell, Supervisor, District #8

_____
Kim O'Connell, Supervisor, District #9

_____
Amy Middleton, Supervisor, District #10

_____
Jay Luke, 1st Vice Chair,
Supervisor, District #11

_____
Fran Duncanson, Supervisor, District #12

_____
Russell Arcand, Supervisor, District #13

_____
John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

_____
Joe Demulling, Supervisor, District #15

County Administrator's Note:
Matter of policy

Vince Netherland
Polk County Administrator

Fiscal Impact Note:
No fiscal impact

Chad Roberts – General Government Division Director

Approved as to Form and Execution:

Malia Malone, Polk County Corporation Counsel

Legal Impact Note:
N/A.

Excerpt of Minutes

At its regular business meeting on the ____of _____ 2020, the Polk County Board of Supervisors acted upon Resolution No. ____-20: Resolution _____
_____
_____

- ☐ Adopted by a majority of the members present by a vote of _____ in favor and _____ against.
- ☐ Adopted by unanimous voice vote.
- ☐ Adopted as amended. See Below.
- ☐ Defeated
- ☐ Other: _____

Insert amendment to resolution according to minutes:

SIGNED BY:

_____

County Board Chairperson

ATTEST:

_____

Lisa Ross, County Clerk

Executive Summary

This is a lobbying resolution that urges the Governor and local officials to act in a reasonable manner and to allow a regional response to business reopening safely.

State of Wisconsin
Department of Health Services
Tony Evers, Governor
Andrea Palm, Secretary

EMERGENCY ORDER #28
Safer at Home Order

WHEREAS, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

WHEREAS, on January 30, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern;

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency and directed all agencies support to efforts to respond to and contain COVID-19 in Wisconsin;

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID-19;

WHEREAS, as of April 15, 2020, 1,914,916 people around the world have tested positive for COVID-19, including 605,390 in the United States and 3,721 in Wisconsin;

WHEREAS, COVID-19 is present throughout Wisconsin, with people testing positive for COVID-19 in 65 of 72 counties as of April 15, 2020;

WHEREAS, on March 24, 2020, I, Andrea Palm, Secretary-designee of the Wisconsin Department of Health Services, issued Emergency Order #12, Safer at Home Order (hereinafter "Safer at Home Order"), requiring that everyone in Wisconsin stay at their home or place of residence except in limited circumstances;

WHEREAS, the Safer at Home Order is working to flatten the curve of infections of COVID-19 in Wisconsin, and we have started to see meaningful gains from this proactive step;

WHEREAS, when the Safer at Home Order was issued, the number of people testing positive for COVID-19 in Wisconsin was doubling every 3.4 days and, as of April 14, 2020, the rate of doubling is now approximately 12 days;

WHEREAS, according to the model created by DHS, Wisconsin was projected to have between 440 and 1,500 deaths from COVID-19 by April 8th. These numbers were based on projected significant exponential growth in

positive cases; however, since the Safer at Home Order, there has been a decrease in exponential growth in the number of cases and by April 8th, Wisconsin only had 99 deaths;

WHEREAS, like our neighbor states, Wisconsin will need to continue to stay safer at home to prevent spikes in COVID-19 cases that could further strain our health care system and risk more lives;

WHEREAS, our critical workers are on the front lines working to provide health care, keep our grocery stores open, clean, and stocked, farm our lands, and ensure our infrastructure is maintained;

WHEREAS, in this time of Safer at Home, it is extremely important that we continue to respect all our residents and workers of this state, without stigmatizing or calling out any group of people, especially those who have contracted or been exposed to COVID-19;

WHEREAS, medical and public health experts advise that this is the crucial moment in Wisconsin for us to flatten the curve and prevent the worst-case situations we have seen in other parts of the country and the world;

WHEREAS, as we work to slow the virus, we need to also work to carefully and thoughtfully speed up our economy;

WHEREAS, people all over the state have made great sacrifices with their businesses and incomes;

WHEREAS, as we continue to be safer at home, we also must find creative ways to get businesses and employees back on their feet in a way that will not sacrifice our progress in fighting the spread of COVID-19; and

WHEREAS, when deciding whether to extend the Safer at Home Order, the administration considered the rate of spread of COVID-19 in Wisconsin; the health care capacity to meet the needs of the state; the testing, contact tracing, and isolation capacity in the state; the availability of personal protective equipment for healthcare workers, first responders, and other public servants that are required to perform face-to-face services; and the economic needs of Wisconsin and Wisconsinites.

NOW THEREFORE, I, Andrea Palm, Department of Health Services Secretary-designee, by the authority vested in me by the Laws of the State, including but not limited to Section 252.02(3), (4), and (6) of the Wisconsin Statutes, order the following:

1. **Stay at home or place of residence**. All individuals present within the State of Wisconsin are ordered to stay at home or at their place of

residence, with exceptions outlined below. To the extent individuals are using shared or outdoor spaces other than their home or residence, they must at all times as reasonably possible maintain social distancing of at least six (6) feet from any other person consistent with Social Distancing Requirements as defined below, except that they do not need to maintain social distancing between individuals residing in a single living unit or household. Individuals may leave their homes or residences only for the following functions as are defined in this Order:

a. **Essential Activities** (defined in section 11);

b. **Essential Governmental Functions** (defined in section 12);

c. To operate **Essential Businesses and Operations** (defined in section 13);

d. To perform non-essential **Minimum Basic Operations** (defined in section 14);

e. **Essential Travel** (defined in section 15); and

f. **Special Situations** (defined in section 8, 9, and 10).

Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible to the maximum extent practicable and to follow the Wisconsin Department of Public Health (DHS) and the U.S. Centers for Disease Control and Prevention (CDC) guidance on COVID-19 risk mitigation practices.

Individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Order, homes or residences include hotels, motels, shared rental units, dormitories, shelters, and similar facilities.

2. Business operations

a. **Non-essential business and operations must cease**. All for-profit and non-profit businesses with a facility in Wisconsin, except Essential Businesses and Operations as defined below, must cease all activities at facilities located within Wisconsin, except:

i. Minimum Basic Operations, as defined below.

ii. Any operations consisting exclusively of employees or contractors performing activities at their own home or residences (i.e., working from home).

b. Safe Business Practices

i. All businesses, including Essential Businesses and Operations, shall:

1. To the greatest extent feasible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e. work from home).

2. Cease door-to-door solicitation.

ii. Essential Businesses and Operations are encouraged to remain open. Essential businesses and operations shall:

1. To the greatest extent feasible, comply with Social Distancing Requirements as defined in this Order between all individuals on the premises, including but not limited to employees, customers, and members of the public.

2. Restrict the number of workers present on premises to no more than is strictly necessary to perform the essential operation.

3. Increase standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.

4. Adopt policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.

iii. Essential Businesses or Operations that remain open for in-person sales, including retail stores, shall:

1. Consider establishing curbside pick-up to reduce in-store traffic and mitigate outdoor lines.

2. For stores with less than 50,000 square feet of customer floor space, limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the local municipality.

3. For stores of more than 50,000 square feet:

    a. Limit the number of customers in the store at one time (excluding employees) to 4 people per 1,000 square feet of customer floor space.

    b. Offer at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this Order are people over 60, pregnant women, and those with chronic conditions like heart disease, diabetes, and lung disease.

4. Establish lines to regulate entry in accordance with occupancy restrictions in sections 2.b.iii.2. and 2.b.iii.3., with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also use alternatives to lines, including allowing customers to wait in their cars for a text message or phone call and scheduling pick-ups or entries to the store.

3. **Prohibited activities**. All public and private gatherings of any number of people that are not part of a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits the gathering of members of a single household or living unit. Landlords or rental property managers shall avoid entering leased residential premises unless emergency maintenance is required.

4. **Closures**. All of the following facilities shall be closed:

    a. **Schools.** Public and private K-12 schools shall remain closed for pupil instruction and extracurricular activities for the remainder of the 2019-2020 school year. Schools may continue to facilitate distance learning or virtual learning. Schools may continue to be used for Essential Government Functions and food distribution. This section does not apply to facilities operated by the Wisconsin Department of Corrections.

b. Libraries. Public libraries shall remain closed for all in-person services, except that they may provide the following services:

- **i.** On-line services and programming.
- **ii.** Curb-side pick-up of books and other library materials, if all operations are performed by one person in a room or confined space. Materials must be requested online or by phone before pick-up. The library may not require a signature from the patron. The library must schedule pick-ups to ensure compliance with Social Distancing Requirements as defined in Section 16 of the Safer at Home Order.
- **iii.** Any Essential Governmental Function.
- **iv.** Food distribution.

c. Places of public amusement and activity. Whether indoors or outdoors, places of public amusement and activity are closed, including but not limited to amusement parks, carnivals, water parks, licensed public or private swimming pools, splash pads, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, country clubs, social clubs, and gyms and fitness centers. The following exceptions apply:

- **i.** Public and private golf courses may open, with the following restrictions:

  1. The use of golf carts is prohibited.
  2. Social Distancing Requirements must be observed at all times, unless the players reside in the same living unit or household.
  3. All tee times and payments must be made in advance online or by phone.
  4. Clubhouses and pro shops must remain closed. Any restaurant or bar facility may remain open and must comply with all restrictions in Section 13.d. and 13.e. of this Order.
  5. Tee times must be spaced to avoid multiple foursomes from clustering or gathering at any stage of the course.
  6. All maintenance work and groundskeepers shall comply with Section 2.b.i. and 2.b.ii. of this Order. All other functions may only continue under Minimum Basic Operations.
  7. Driving ranges and miniature golf must remain closed.

ii. Public parks and open space may be closed at the discretion of the local health officials, if any of the following occur:

1. The number of people frequenting the area at one time makes it difficult to comply with Social Distancing Requirements.
2. Repeated vandalism or disturbing the peace.
3. Repeated violations of the Safer at Home Order that create a risk to individuals in the area.
4. The local government does not have the ability to monitor or enforce Social Distancing Requirements.

d. **Salons and spas.** This includes, but is not limited to, hair salons, barber shops, nail salons, day spas, electrolysis providers, waxing salons, eyebrow-care establishments, tattoo parlors, body art establishments, and tanning facilities.

5. **Prohibited and permitted travel.** All forms of travel are prohibited, except for Essential Travel as defined in this Order. Individuals riding on public transit must comply with Social Distancing Requirements to the greatest extent possible.

6. **Follow DHS and CDC guidelines.** When taking any action permitted under this Order, all individuals, organizations, government bodies, and any other permitted group of individuals shall, to the extent possible, follow DHS guidelines located here: https://www.dhs.wisconsin.gov/covid-19/index.htm.

   All Essential Businesses and Operations and all businesses performing Minimum Basic Operations shall comply with DHS guidelines for businesses located here: https://www.dhs.wisconsin.gov/covid-19/employers.htm.

7. **Elderly people and those who are vulnerable as a result of underlying health conditions should take additional precautions**. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their home or residence to the extent possible except as necessary to seek medical care. Nothing in this Order prevents DHS and local health officials from issuing and enforcing isolation and quarantine orders pursuant to Wis. Stat. ch. 252 and local ordinances.

SPECIAL SITUATIONS

8. **Healthcare and Public Health Operations**. For purposes of this Order, individuals may leave their residence to work for or obtain services at any Healthcare and Public Health Operations.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; medical facilities; clinics; ambulatory surgery centers for response to urgent health issues or related COVID-19 activities; manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products; dental offices; pharmacies; public health entities, including those that compile, model, analyze, and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); healthcare information technology companies; organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians, gynecologists, and midwife practices; eye care centers, including those that sell glasses and contact lenses; home health agencies and providers; mental health and substance abuse providers; detoxification and alcohol or drug treatment programs and facilities; syringe access programs, and naloxone distribution programs; other healthcare facilities and suppliers and providers of any related or any ancillary healthcare services; entities that transport and dispose of medical materials and remains; personal care agencies; hospices; allied health providers; acupuncturists; massage therapists; chiropractors; and adult family homes.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals. Non-essential veterinary care should be avoided.

Cafeterias and food service in health care facilities may remain open for staff and authorized visitors only, subject to the following restrictions:

a. Self-service operations of salad bars, beverages stations, and buffets are prohibited.

b. Customers are prohibited from self-dispensing any unpackaged food or beverage.

c. Customers and staff shall comply with Social Distancing Requirements, including in seating areas and lines.

Healthcare and Public Health Operations shall be broadly construed to avoid any impediments to the delivery of healthcare, broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gyms, hair salons, barber shops, nail salons, day spas, electrolysis providers, tattoo parlors, body art establishments, tanning facilities, and similar facilities.

9. **Human Service Operations**. For purposes of this Order, individuals may leave their residence to work for or obtain services at any state, institutional, or community-based setting providing human services to the public.

   Human Service Operations includes, but is not limited to: long-term care and assisted living facilities, as long as the facility follows all current DHS Recommendations for Prevention of COVID-19 in Long-Term Facilities and Assisted Living Facilities and all applicable U.S. Centers for Disease Control Recommendations; residential settings and shelters for adults, seniors, children, victims of domestic abuse, people with disabilities, people with substance use disorders, or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, or developmental disabilities, seniors, adults, or children; adult day care, adult day services, and supportive home care; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, vocational services, or rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, or other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, or developmental disabilities, or otherwise needy individuals.

   Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

10. **Essential Infrastructure**. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provide, operate, maintain, and repair Essential Infrastructure.

    Essential Infrastructure includes, but is not limited to: food production, distribution, fulfillment centers, storage facilities, marinas, and sales; construction (including, but not limited to, construction required in

response to this public health emergency, hospital construction, construction of long-term care and assisted living facilities, public works construction, school construction, Essential Business and Operations construction, construction necessary for Essential Governmental Functions, and housing construction, except that optional or aesthetic construction should be avoided except as permitted as a Minimum Basic Operation); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, gas, and electric (including power generation, distribution, production of raw materials, and Wisconsin Department of Natural Resources-certified and registered drinking water and wastewater testing laboratories); Wisconsin Home Energy Assistance, Low Income Home Energy Assistance Program, and Public Benefits Energy Assistance Program offices, customer service centers, and public intake centers; distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

DEFINITIONS

11. **Essential Activities.** Individuals may leave their home or residence to perform any of the following:

    a. **Health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, including pets, such as, by way of example only and without limitation, obtaining medical supplies or medication, seeking emergency services, or visiting a health care or behavior health care professional. Individuals should rely on telehealth options whenever feasible.

    b. **Necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation: canned food, dry goods, fresh fruits and vegetables, gasoline, propane, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

c. **Outdoor activity.** To engage in outdoor activity, including visiting public and state parks, provided individuals comply with Social Distancing Requirements as defined below. Such activities include, by way of example and without limitation, walking, biking, hiking, or running. Individuals may not engage in team or contact sports such as by way of example and without limitation, basketball, ultimate frisbee, soccer, or football, as these activities do not comply with Social Distancing Requirements. Playgrounds are closed.

d. **Certain types of work.** To perform work at Essential Businesses or Operations or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations and obtaining supplies needed to work from home.

e. **Take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed in this Order.

12. **Essential Governmental Functions**. Essential Governmental Functions means all services provided by the State, Tribal, or local governments needed to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public. Each government body shall determine its Essential Government Function, if any, and identify employees and contractors necessary to the performance of those functions.

For purposes of this Order, all paid or volunteer first responders including law enforcement, EMS, and firefighters; first responder training academies; building inspectors; emergency management personnel; emergency dispatchers; court personnel, jurors and grand jurors; corrections personnel; hazardous materials responders; child protection and child welfare personnel; housing and shelter personnel; National Guard and military; and others working for or to support Essential Businesses and Operations are categorically exempt from this Order.

This section does not limit the ability or authority of the Wisconsin Supreme Court to use its constitutional supervisory authority over lower courts to limit or adjust court functions in response to the Public Health Emergency. This section does not limit the ability or authority of the Wisconsin Legislature to meet or conduct business.

Government bodies should continue to follow the Wisconsin Department of Justice's Office of Open Government guidance regarding holding government meetings and should consult directly with that office

regarding specific open meetings questions. The guidance is available here: https://www.doj.state.wi.us/sites/default/files/news-media/3.20.20_OOG_Final.pdf. Government bodies with additional questions about open meetings requirements should consult with the Wisconsin Department of Justice's Office of Open Government.

13. **Essential Businesses and Operations**. For the purposes of this Order, Essential Businesses and Operations means Healthcare and Public Health Operations, Human Services Operations, Essential Infrastructure, and Essential Governmental Functions, and the following:

    a. **CISA List**. Any business or worker identified in the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA), *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*, updated March 23, 2020, and any subsequent versions of this Memorandum.

    b. **Stores that sell groceries and medicine**. Grocery stores, bakeries, pharmacies, farm and produce stands, supermarkets, food banks and food pantries, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supply, fresh meats, fish, poultry, prepared food, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). Such establishments shall:

        i. Close all seating intended for consuming food.
        ii. Cease any self-service operations of salad bars, beverage stations, and buffets.
        iii. Except for grocery stores, prohibit customers from self-dispensing all unpackaged food.
        iv. Abide by Social Distancing Requirements.

    This section should not be interpreted to provide an exemption for businesses engaged in the sale of food or beverage ancillary to its primary purpose, such as those businesses required to close under Section 4 who also may engage in some food or beverage sales.

    c. **Food and beverage production, transport, and agriculture**. Food and beverage manufacturing, production, processing, transportation, and cultivation; farming, livestock, fishing,

baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, boarding, rescues, kennels, and adopting facilities; farm and agriculture equipment, supplies, and repair services.

d. Restaurants. Restaurants shall close, except as follows:

- **i.** Restaurants may remain open for food take-out or delivery service only.
- **ii.** Alcohol sales must comply with section 13.e. below.
- **iii.** Customers may enter the above establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
- **iv.** No seating may be provided.
- **v.** Food and drink may not be consumed on premises, either indoors or outdoors.
- **vi.** Establishments shall meet Social Distancing Requirements between all individuals on the premises to the extent possible.
- **vii.** Cease any self-service operations of salad bars, beverage stations, and buffets.
- **viii.** Customers are prohibited from self-dispensing any unpackaged food or beverage.

e. Bars. This includes breweries, brewpubs, wineries, distilleries, and alcohol beverage retailers. Such establishments shall close, except as follows:

- **i.** Carryout sales of alcohol beverages and food are allowed, if permitted by state law and municipal ordinance.
- **ii.** Delivery of alcohol beverages to retail customers is prohibited.
- **iii.** Wineries holding direct wine shippers' permits may make deliveries of wine in accordance with their permit.
- **iv.** Customers may enter the above establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
- **v.** No seating may be provided.
- **vi.** Food and drink may not be consumed on premises, either indoors or outdoors.
- **vii.** Establishments shall meet Social Distancing Requirements between all individuals on the premises to the extent possible.

viii. Self-service operations of salad bars, beverage stations, and buffets are prohibited.

ix. Customers are prohibited from self-dispensing any unpackaged food or beverage.

f. Child care settings. Secretary-designee Andrea Palm's Emergency Order #6 remains in effect, with the following amendments:

i. Child care settings shall prioritize care for families as follows:

1. Tier 1: employees, contractors, and other support staff working in health care;
2. Tier 2: employees, contractors, and other staff in vital areas including but not limited to military; long term care; residential care; pharmacies; child care; child welfare; government operations; public safety and critical infrastructure such as sanitation, transportation, utilities, telecommunications; grocery and food services; supply chain operations; and other sectors as determined by the Secretary of the Department of Children and Families.

ii. Child care settings include all licensed and certified child care providers who may provide care for any age or ages of children up to 13 years of age, unless specially licensed for children with disabilities up to 19 years of age.

g. Organizations that provide charitable and social services. Businesses and religious and secular nonprofit organizations, including prevocational group supportive employment, food banks and food pantries, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this public health emergency, and people with disabilities.

h. Weddings, funerals, and religious entities. Religious facilities, entities, groups, and gatherings, and weddings and funerals, except that any gathering shall include fewer than 10 people in a room or confined space at a time and individuals shall adhere to Social Distancing Requirements as much as possible.

i. **Funeral establishments**. Funeral establishments, as defined in Wis. Stat. § 445.01(6), except that any gathering shall include fewer than 10 people in a room or confined space at a time and individuals shall adhere to Social Distancing Requirements as much as possible.

j. **Media**. Newspapers, television, radio, and other media services.

k. **Gas stations and businesses needed for transportation**. Gas stations; auto and motorcycle supply, repair and sales; boat supply, repair, and sales; and bicycle supply, repair, and sales.

l. **Financial institutions and services**. Banks, credit unions, and other depository or lending institutions; licensed financial service providers; insurance services; personnel necessary to perform essential functions at broker dealers and investment advisor offices.

m. **Hardware and supplies stores**. Hardware stores and businesses that sell electrical, plumbing, heating, and construction material.

n. **Critical trades**. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, finishers, exterminators, pesticide application, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, forestry and arborists, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Governmental Functions, and Essential Businesses and Operations.

o. **Mail, post, shipping, logistics, delivery, and pick-up services**. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, beverages, goods or services to end users or through commercial channels.

p. **Laundry services**. Laundromats, dry cleaners, industrial laundry services, and laundry service providers.

q. **Supplies to work from home**. Businesses that sell, manufacture, or supply products needed for people to work from home.

r. **Supplies for Essential Businesses and Operations and Essential Governmental Functions**. Businesses that sell, manufacture, or supply other Essential Businesses and Operations and Essential Governmental Functions with the support or supplies necessary to operate, including computers; audio and video electronics; household appliances; IT and telecommunication equipment; hardware; paint; flat glass; electrical, plumbing, and heating materials; construction materials and equipment; sanitary equipment; personal hygiene products; food, food additives, ingredients, and components; medical and orthopedic equipment; firearm and ammunition suppliers and retailers for purposes of safety and security; optics and photography equipment; diagnostic; food and beverages; chemicals; paper and paper products; soaps and detergents.

   Any business or operation that is considered an Essential Business or Operation under this section may only perform those business operations which are necessary for the Essential Business and Operations or Essential Governmental Functions to which they are supplying goods or services. Any non-essential goods or services may only continue as Minimum Basic Operations.

s. **Transportation**. Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Order.

t. **Home-based care and services**. Home-based care for seniors, adults, children, or people with disabilities, substance use disorders, or mental illness, including caregivers or nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

u. **Professional services**. Professional services, such as legal or accounting services, insurance services, real estate services (including appraisal, home inspection, and title services). These services shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e. work from home).

v. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, and products used by other Essential Governmental Functions and Essential Businesses and Operations.

   Any business or operation that is considered an Essential Business or Operation under this section may only perform those business operations which are necessary for the Essential Business and Operations or Essential Governmental Functions to which they are supplying goods or services. Any non-essential goods or services may only continue as Minimum Basic Operations.

w. **Critical labor union functions**. Essential activities include the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Business and Operations, provided the checks are done by telephone or remotely where possible.

x. **Hotels and motels**. Hotels and motels, except that such establishments shall:

   i. Comply with requirements of 13.b, 13.d. and 13.e.

   ii. Close swimming pools, hot tubs, and exercise facilities.

   iii. Prohibit guests from congregating in lobbies or other common areas, including providing adequate space to adhere to Social Distancing Requirements while queuing for front desk services.

y. **Higher educational institutions.** Higher educational institutions, for purposes of facilitating distance learning, performing critical research, or performing essential functions as determined by the institution.

z. **WEDC designated businesses.** In the exceptional circumstance that a business is not listed in this Order as an Essential Business or Operations but believes that it should be included in that designation, the business should consult the information page on the Wisconsin Economic Development Corporation (WEDC) website, here: www.wedc.org/nonessentialbusiness. If a business still believes that it does not fall within the meaning of Essential Businesses and Operations, it may apply to the Wisconsin Economic Development Corporation (WEDC) using the provided form requesting designation as such.

14. **Minimum Basic Operations**. For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

    a. **Basic functions.** The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions, including where these functions are outsourced to other entities.

    b. **Facilitating remote work.** The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

    c. **Employee designation.** Non-essential businesses and operations must determine which of their workers are necessary to conduct Minimum Basic Operations and inform such workers of that designation.

    d. **Delivery and mailings.** Minimum Basic Operations may include fulfilling nonessential deliveries, mailing parcels, or receiving parcels if all of the operations are performed by one person in a room or confined space, including a car or truck. Delivery or parcel services may not require a signature by the recipient. Suppliers to non-essential businesses and supply chains for non-essential businesses are non-essential and shall only operate under Minimum Basic Operations to provide goods or services to other non-essential businesses operating under this section.

    e. **Curb-side pick-up.** Minimum Basic Operations may include curb-side pick-up of goods, if all of the operations are performed by one person in a room or confined space at a time, including a car or truck. Goods must be purchased online or by phone before

pick-up. The goods must be pre-packaged by the manufacturer, distributor, or store. The store may not require a signature by the customer. The store must schedule pick-ups to ensure compliance with Social Distancing Requirements as defined in section 16 of the Safer at Home Order. Suppliers to non-essential businesses and supply chains for non-essential businesses are non-essential and shall only operate under Minimum Basic Operations to provide goods or services to other non-essential businesses operating under this section.

f. **Arts and craft stores.** Arts and craft stores may offer curb-side pick-up as described in section 14.e. More than one staff member, but no more than the minimum number of staff necessary, may work at the store solely for filling orders for materials for making personal protective equipment (i.e. homemade facemasks). The additional staff allowed in this section may not sell, package, or assist in any way with the sale of items not necessary for making personal protective equipment. All staff working to fulfill or process orders for personal protective equipment must comply with all requirements in Section 2.b.i. and 2.b.ii. of this Order.

g. **Aesthetic or optional exterior work.** Minimum Basic Operations may include aesthetic or optional exterior residential construction and lawn care, if all the operations are performed by one person in a room or confined space, including a car or truck. No more than one employee or worker may be on the site at a time. Services may not require a signature by the recipient. Aesthetic or optional exterior work requiring more than one person on the site are prohibited.

15. **Essential Travel**. Individuals are strongly encouraged to remain at their primary residence or home. Travel to second homes or residences should be avoided if possible. Consistent with federal guidance and to protect our neighboring states, Wisconsinites are encouraged to stay close to home and strongly discouraged from engaging in unnecessary travel. Individuals engaged in any Essential Travel must comply with Social Distancing Requirements to the extent possible. For the purposes of this Order, Essential Travel includes:

    a. Any travel related to the provision of or access to Essential Activities, Special Situations, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.

b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, or any other related services.

d. Travel to return to a place of residence from outside the jurisdiction.

e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.

f. Travel required for non-residents to return to their place of residence outside Wisconsin. Individuals are strongly encouraged to verify that their transportation out of Wisconsin remains available and functional prior to commencing such travel.

16. Social Distancing Requirements. For purposes of this Order, Social Distancing Requirements includes:

a. Maintaining social distancing of six (6) feet between people;
b. Washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer;
c. Covering coughs or sneezes (into the sleeve or elbow, not hands);
d. Regularly cleaning high-touch surfaces;
e. Not shaking hands; and
f. Following all other public health recommendations issued by DHS and the U.S. Centers for Disease Control.

ENFORCEMENT AND APPLICABILITY

17. Tribal Nations.

a. Activities by Tribal members within the boundaries of their Tribal reservations and federal land held in trust for any one of the eleven federally recognized Tribes in Wisconsin are exempt from the restrictions in this Order but may be subject to restrictions by tribal authorities.

b. Non-tribal members should be respectful of and avoid non-essential travel to Tribal territory.

c. Wisconsin's local governments shall coordinate, collaborate, and share information with the Tribal Nations in their region.

18. Enforcement. This Order is enforceable by any local law enforcement official, including county sheriffs. Violation or obstruction of this Order is punishable by up to 30 days imprisonment, or up to $250 fine, or both. Wis. Stat. § 252.25.

19. Severability. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

20. Supremacy. This Order supersedes any local order that is in conflict with this order.

21. Duration. This Order shall become effective at 8:00 a.m. on Friday, April 24, 2020. This Order shall remain in effect until 8:00 a.m. on Tuesday, May 26, 2020.

04/16/2020

Andrea Palm
Secretary-designee
Department of Health Services

Date