

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3762

A Resolution Extending the City of Mequon's Declared Public Health Emergency in Response to COVID-19

A. On March 16, 2020, the Mayor proclaimed, on behalf of the City of Mequon, the existence of a Public Health Emergency as defined in Wisconsin Statutes Section 323.02(16) and a Disaster as defined in Wisconsin Statutes Section 323.02(6); accordingly, the City of Mequon implemented its emergency authority under Wisconsin Statutes Section 323.11. The proclamation was entitled Proclamation Declaring a Public Health Emergency in Response to the Corona Virus Disease 2019 (COVID-19) ("Proclamation No. 1").

B. By Resolution 3716, the Common Council affirmed Proclamation No. 1.

C. Subsequent to Proclamation No. 1, the Mayor issued the following four additional proclamations to address certain rules, regulations and operations during the Public Health Emergency, each of which were affirmed or substantially affirmed by the Common Council:

1. COVID-19 Emergency Proclamation No. 2: Proclamation Exempting Certain City of Mequon Employees from the Families First Coronavirus Response Act ("Proclamation No. 2").
2. COVID-19 Emergency Proclamation No. 3: Proclamation Providing For Electronic Meetings ("Proclamation No. 3").
3. COVID-19 Emergency Proclamation No. 4: Curbside Services; Special Event Banner Fees ("Proclamation No. 4").
4. COVID-19 Emergency Proclamation No. 5: Reopening of Mequon ("Proclamation No. 5").

D. Proclamation No. 2 and Proclamation No. 3 have been subsequently amended by the Common Council. Proclamation No. 5 expired by its terms.

E. Pursuant to the terms of Proclamation No. 1, the declared Public Health Emergency expires on September 15, 2020. If it expires, the protections first responders receive under Proclamation No. 2, the City's ability to hold electronic meetings under Proclamation No. 3 and the relaxation of regulations to provide for curbside services under Proclamation No. 4 will also expire.

F. The bases for the Public Health Emergency still exists. Specifically, but without limitation, the COVID-19 virus is "a prolonged, natural or human-caused, occurrence that

threatens or negatively impacts life [and] health,” as described in Wisconsin Statutes Section 323.02(6), and is “an illness or health condition” that is caused by a novel biological agent continues to pose “a high probability of widespread exposure” and “creates a significant risk of substantial future harm to a large number of people,” as described in Wisconsin Statutes Section 323.02(16).

G. Although the Common Council does not anticipate enacting new proclamations or measures, the Common Council believes that the City benefits from the continuation of Proclamation No. 2 (as amended), Proclamation No. 3 (as amended) and Proclamation No. 4. Each is an appropriate response to the COVID-19 virus. Proclamation No. 2 protects the City’s first responders. Proclamation No. 3 protects the public and officials from the virus and enables social distancing while avoiding the logistical difficulties of spacing participants and conducting meetings with masks. Proclamation No. 4 provides needed relief to the Mequon business community.

H. Additionally, an extension of the Public Health Emergency provides the Common Council an opportunity to determine if some of the provisions in Proclamation No. 3 and Proclamation No. 4 can and should be memorialized in the City’s Code of Ordinances.

I. For the foregoing reason, the Common Council deems it appropriate to extend the expiration of the Public Health Emergency.

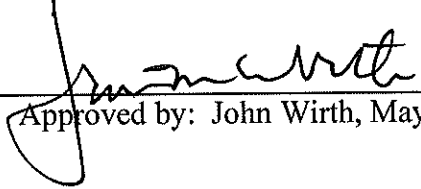
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon that:

1. The period of the declared Public Health Emergency is extended to March 15, 2021 and, pursuant to Wisconsin Statutes Section 323.11, shall automatically expire on March 15, 2021 (rather than on September 15, 2020) unless:

(a) The period of the declared Public Health Emergency is extended by (i) a subsequent declaration by the mayor or person in charge pursuant to the order of succession in the Code of Ordinances, with prompt subsequent Common Council ratification or (ii) the Common Council by resolution, or


(b) The Public Health Emergency is terminated, which shall occur upon the earlier of (i) a declaration by the mayor or person in charge pursuant to the order of succession in the Code of Ordinances that the Public Health Emergency has ended or (ii) a resolution terminating the period of the Public Health Emergency is passed by the Common Council by resolution.

2. The provisions of Proclamation No. 1 through Proclamation No. 4, as amended, shall remain in effect during the term of the Public Health Emergency unless otherwise modified by the Common Council or replaced with a different declaration.


Approved by: John Wirth, Mayor

Date Approved: September 8, 2020

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 8, 2020.


Caroline Fochs, City Clerk