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Supreme Court Ruling in *Wisconsin Legislature v. Palm*: Considerations for Counties May 14, 2020

Yesterday's Wisconsin Supreme Court ruling in *Wisconsin Legislature v. Palm* has resulted in uncertainty surrounding the public response to COVID-19. While WCA and legal counsel are continuing to assess the decision and its affect on state and county authority, counties are encouraged to immediately begin considering the following:

REGIONAL COORDINATION

Counties are encouraged to communicate and, to the extent possible, coordinate local public health efforts and other COVID-19 activities with neighboring counties. Regional consistency of local health orders, guidelines, and enforcement provides certainty for the public and businesses. As we know, COVID-19 is not confined to county boundaries. Regional approaches to COVID-19 will lead to more productive outcomes than counties acting in isolation. WCA encourages counties to schedule regular communication with regional neighbors to consider and share COVID-19 strategies.

GUIDELINES FOR BUSINESS REOPENING

Counties are encouraged to review and consider guidelines for business reopening. The Wisconsin Economic Development Corporation (WEDC) has developed industry specific documents for business operations during the COVID-19 pandemic that counties should consider. The guidelines were developed in consultation with state agencies, including the Department of Health Services, Department of Agriculture, Trade, and Consumer Protection, Department of Safety and Professional Services, and Department of Tourism. General and industry specific WEDC guidance can be found here: <https://wedc.org/reopen-guidelines/>.

MONITORING HEALTH AND HOSPITAL DATA

Counties are encouraged to be in regular communication with local hospitals and health systems. The Wisconsin Hospital Association has provided a useful online tool that shows daily updates on COVID-19 cases, hospitalizations, ICU capacity and ventilator availability by HERC (Healthcare Emergency Readiness Coalition) regions. This data is intentionally reported by HERC region as the sharing of information and resources for emergency response already occur within these regions.

We encourage you to utilize this information and also communicate directly with hospitals and health systems to understand how COVID-19 is impacting their facilities, staff and resources. It is also important to remember that hospital and health systems were not impacted by the Safer at Home order established under Emergency Order #28, as they were considered an essential business and allowed to continue operating.

Wisconsin counties have an important local government function to provide community surveillance testing and tracing for Wisconsin residents. We encourage counties to work with the WCA and the Wisconsin Department of Health Services to create additional COVID-19 community surveillance testing and tracing capacity at the local government level.

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