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**Title:** Resolution directing the City Attorney, on behalf of the City, to file an amicus brief supporting Public Health Madison and Dane County’s COVID-19 health order.

**Sponsors:** ALD. HAMILTON

**Indexes:** PUBLIC HEALTH

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
11/4/2020	0	COMMON COUNCIL	ADOPTED	Pass	15:0
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IMMEDIATE ADOPTION

200967  
ORIGINAL

ALD. HAMILTON

Resolution directing the City Attorney, on behalf of the City, to file an amicus brief supporting Public Health Madison and Dane County’s COVID-19 health order.

This resolution directs the City Attorney, on behalf of the City, to file an amicus brief supporting Public Health Madison and Dane County’s COVID-19 health order in a lawsuit brought by various private schools in Dane County as well as parents with children attending private schools in Dane County. This resolution also supports the authority of local health officers in the State of Wisconsin to issue local health orders under s. 252.03, Wis. Stats., that put certain restrictions aimed at slowing the spread of COVID-19.

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

Whereas, COVID-19 is a severe acute respiratory illness that spreads through direct, indirect, or close contact with infected people, many of whom are asymptomatic and pre-symptomatic through mouth and nose secretions of saliva, respiratory secretions, or secretion droplets; and

Whereas, Despite evidence demonstrating that the City of Milwaukee’s efforts have been successful in slowing the spread of COVID-19, the City of Milwaukee has been hit particularly hard by COVID-19, with at least 29,086 individuals having tested positive and at least 310 individuals having already died from COVID-19 as of October 30, 2020, over the course of nearly eight months; and

Whereas, To date, there is no known vaccine or effective treatment for COVID-19; and

Whereas, The City of Milwaukee and its Health Department have taken measures to slow the spread of COVID-19, including passing legislation mandating the use of face coverings and issuing local health orders implementing reasonable mitigation measures; and

Whereas, The measures taken by the City of Milwaukee and its Health Department have been flexible and data-driven to be able to change along with the ever-changing research, data, and health needs of Milwaukee caused by the COVID-19 pandemic; and

Whereas, The city of Milwaukee and state of Wisconsin have seen a recent sharp rise in the number of cases of COVID-19; and

Whereas, Three lawsuits captioned *James v. Heinrich*, Case No. 2020AP1419, *Wis. Council of Religious and Indep. Schools, et. al., v. Heinrich, et. al.*, Case No. 2020AP1420, and *St. Ambrose Academy, Inc. v. Parisi, et. al.*, Case No. 2020AP1446, were filed in August 2020 by various private schools in Dane County as well as parents with children attending private schools in Dane County, challenging the authority of local health officers in the State of Wisconsin to close schools in response to communicable diseases under s. 252.03, Wis. Stats., and the Wisconsin Constitution; and

Whereas, The Common Council is in support of the City of Milwaukee and its Health Department continuing to implement and enforce reasonable restrictions and measures applicable to businesses, organizations, and individuals in order to continue to slow the spread of COVID-19 under s. 252.03, Wis. Stats.; and

Whereas, The Common Council is in support of the City of Milwaukee and its Health Department having the authority under s. 252.03, Wis. Stats., and the Wisconsin Administration Code Section DHS 145.06 to take necessary steps up to and including temporarily closing of locations, including businesses, schools, and other organizations or buildings, in response to active COVID-19 outbreaks; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney is directed, on behalf of the City, to file an amicus brief supporting Public Health Madison and Dane County's COVID-19 health order and the authority of local health officers to implement and enforce reasonable restrictions and measures to slow the spread of COVID-19, as well as the authority of local health officers to take necessary steps up to and including temporarily closing locations including businesses, schools, and other organizations or buildings with active COVID-19 outbreaks, in response to the lawsuits brought by various private schools and parents with children attending private schools in Dane County.

LRB 176408-1  
Tea B. Norfolk  
11/2/2020