



EXECUTIVE DECLARATION NO. 5
UNDER CITY OF WAUSAU PROCLAMATION OF STATE OF EMERGENCY
PURSUANT TO WIS. STAT. §323.14(4)(b)
RELATING TO SUSPENSION OF W.M.C. §2.16.010
RULE 13 A. APPOINTMENTS TO COMMITTEES

WHEREAS, on the 18th day of March, 2020, the undersigned Mayor of Wausau proclaimed a State of Emergency pursuant to Wis. Stat. §§323.11 and 323.14(4)(b) (“Proclamation”); and

WHEREAS, such Proclamation, among other things, provides that it is necessary and expedient for the health, safety, and protection of the City to temporarily suspend or modify applicable ordinances or resolutions to allow immediate response to meet the needs of the extraordinary existing conditions for as long as the emergency public health emergency remains in effect in this state; and

WHEREAS, such Proclamation was ratified and affirmed by the Common Council on Tuesday, March 24, 2020; and

WHEREAS, the Wisconsin Supreme Court, on April 6, 2020, enjoined Governor Evers’ Executive Order #74, which had suspended in-person voting until June 9, 2020, thereby keeping in effect, in-person voting on April 7, 2020; and

WHEREAS, the U.S. Supreme Court issued a ruling on April 6, 2020, changing the part of Judge Conley’s decision (Eastern District of Wisconsin) which stated that ballots would be counted if received by April 13 regardless of any postmark or if they were hand-delivered after April 7. The Supreme Court ruled that ballots were to be counted only if they were hand-delivered by 8 p.m. or if they are mailed with a postmark on or before April 7 and are received by 4 pm. on April 13; and

WHEREAS, the U.S. Supreme Court decision did not alter the provision in Judge Conley’s amended order which prohibited the reporting of results until April 13 and the counting of votes until Monday April 13, 2020; and

WHEREAS, Wis. Stats. §62.11(2) and W.M.C. §2.16.010 Rule 1 A. provides that the common council shall meet on the third Tuesday of April, following the spring election, for the purpose of organization; and

WHEREAS, Rule 8 A. provides that the council president shall be selected by a majority vote of all council members at the organizational meeting conducted on the third Tuesday of April; and

WHEREAS, Rule 13 A. provides that the mayor shall appoint members to each of the standing committees at the organizational meeting of the newly elected council conducted on the third Tuesday of April; and



WHEREAS, the Mayor-Elect and Council members-elect will begin their respective terms on the third Tuesday of April, thereby requiring the Mayor-Elect to communicate committee assignments and appointments to various boards, committees, and commissions the same day she takes office; and

WHEREAS, for the orderly conduct and transition of essential government business, the undersigned hereby declares Rule 13 A. of W.M.C. §2.16.010 temporarily suspended and this declaration shall remain in effect until such time as the Common Council either amends this Rule or the Mayor-Elect communicates to the Council her slate of standing committee appointments.

Dated this 17th day of April, 2020.

Issued and declared by:

Robert B. Mielke

Mayor of Wausau