

TO: Town Board

FROM: Lisa Potswald

RE: COVID-19

DATE: March 20, 2020

Attached you will find the following:

- 1. Business Continuity During the Emergency Declaration – this memo outlines operational considerations for your review and approval.**
- 2. COVID-19 Policy – you have received this previously. I ask that you consider approving it.**
- 3. Procedures/Protocol for Telephone Meetings – this is designed to give some guidelines for conducting and being involved in telephonic meetings.**
- 4. Ordinance 40, Article VI; 40-26 through 28. This is the Town's alternative claim procedure.**
- 5. Office of Open Government Advisory from the Wisconsin Attorney General – guidelines on how to maintain open meetings during an emergency.**
- 6. Email from Max Lindsey regarding recent federal legislation on paid leave.**

Please let me know if you have any questions or want more information.

TO: Town Board
Town Employees and Volunteers

FROM: Lisa Potswald

RE: Business Continuity During the Emergency Declaration

DATE: March 20, 2020

There are a number of questions to be answered and processes to implement to ensure business continuity for the Town. This memo is designed to begin to address those questions and processes.

ACCESS TO TOWN HALL

The purpose of the measures below are to limit access to the Town Hall by the general public and provide Town Hall staff the ability to immediately disinfect after someone leaves. Anyone who does not work at the Town Hall will have access limited to the entryway and the old Town Hall room.

- The Town Hall will be open to Town of La Pointe Department Heads, including the Fire Chief, Ambulance Service Director and Assistant Director, Library Director, Public Works Director, MRF Supervisor, and those whose work site is the Town Hall.
- The Town Hall is open to Town Board members and Town committee chairs.
- The Town Hall is open to the public by appointment to meet with staff located in the Town Hall for a specific purpose or service. Meetings will take place in the entryway or in the old Town Hall room.
- This is subject to change at any time.

INVOICES AND VOUCHERS

- As per the Emergency Proclamation, all approvals for payment of bills will be done by Barb and me under the alternative claim procedure. If we see something questionable, we will scan the invoice and send to the Department Head with questions. If it continues to be questionable, it will be scanned and sent to the Town Board for review/approval. The alternative claims list will be approved by the Town Board at the first meeting of the month as it has been in the past.
- Please make sure that you get all invoices, bills, receipts, etc. to the Town Hall in a timely fashion. There is a box right inside the Town Hall front door to drop information off. You can also scan and email any paperwork to the Town Hall.

PURCHASING

- Please complete a purchase order and email it to me. I will send it to Town Board members for their approval. We will probably have to accept emails stating that the Town Board member approves a PO – I don't know how many Town Board members have home computers with software that has signature capacity. Barb will have to attach their emailed responses to the PO.
- Once we have the approvals, Barb or I will email you the PO to make the purchase.
- Dorgene will coordinate pickups with the ferry line and appropriate town staff if the ferry line does not call the department head directly.

TOWN BOARD AND STAFF MAILBOXES

- All mailboxes are located inside the Town Hall front door. Please call ahead or knock on the door to access your mailbox.
- If you have a Town Hall key, you can also check your box after hours/weekends.

TOWN BOARD AND COMMITTEE MEETINGS

- Town committees are encouraged to hold meetings only if necessary. Please cancel your meetings for the near future if possible.
- The Town Board will meet in person on March 24, 2020. At that time, they will consider a resolution that confirms the emergency proclamation. After that meeting, the Town Board will meet telephonically until such time as it seems safe. Meetings via telephone can be livestreamed. See telephonic meeting protocol and procedures
- We must provide as many ways to involve the public in the meetings and operations of government as possible. To do that, we will **REQUIRE** any documents on Tuesday's meeting agenda be to Micaela by **NOON ON FRIDAY BEFORE THE MEETING**. If something is on the agenda and it is not in Micaela's possession by that time, it will be taken off the agenda and saved for the next meeting.
- Micaela will be scanning and posting all public documents for the meeting on the website after noon on Friday. This will give the public time to review the agenda and the associated documents posted on the Town's website prior to the Tuesday meeting.

PROCEDURES/PROTOCOL FOR TELEPHONIC MEETINGS

- Document is attached.

ACCESS TO PUBLIC MEETINGS

- In accordance with open meeting requirements, we must ensure that the public has **reasonable access** to any Town meeting:
 - i. To hold a telephonic or videoconference meeting, a governmental body must post a written notice that gives the public a way to monitor meetings
 - ii. The posting should include an electronic copy of any agenda packet that officials will consider at the meeting. The Town will post all meeting related information on the Town website in advance of the meeting. People can also call into the Town Hall and ask for information to be emailed to them. Telephonic meetings will be livestreamed. See Wisconsin Attorney General's Press Release dated March 16, 2020.
 - iii. Individuals will be asked to send comments on the agenda or other matters in advance of each meeting. Comments that come in after each meeting will be read at the next meeting.
 - iv. Appropriate accommodations must be made for those without a telephone or internet. We will work with this on an individual basis.
 - v. A governmental body must provide the public with access to a recording of any telephonic or videoconference meeting. All meetings will be audio recorded as they have been in the past and recordings will be made available to the public via the website. Minutes will also continue to be placed on the website.

MISCELLANEOUS

- **Mail.** Effective immediately, mail to and from the Town Hall will be picked up and dropped off at the end of the day to avoid the crowd. The exception will be mail that must receive window service (mailing a package, etc.).
- **Payroll.** Please scan and email wherever possible; otherwise drop at Town Hall.
- **Grant Applications.** If there is a grant opportunity, I ask that the Town Board give the Town Administrator the authority to submit the application.

WORKING ON

- **Human Resources Considerations.** Attached is an email from Attorney Max Lindsey regarding additional sick leave and use of the Family Medical Leave Act. Max will send us personnel information as it becomes available.

I request that the Town Board approves the measures outlined in this memo, and that we continue to identify areas that must be addressed. I will keep the Town Board and staff informed.

TO: Town of La Pointe Employees and Volunteers

FROM: Lisa Potswald, Town Administrator

RE: COVID 19 POLICY

DATE: March 18, 2020

All actions will be in place immediately and temporarily until the Town Board considers this policy on March 24, 2020.

The Town of La Pointe is responsible for maintaining a host of operations during all times of crisis and emergency to the best of its ability. If all staff is out sick, our public service systems could be compromised. The Town will be implementing the following steps immediately to help prevent the spread and infection rate of COVID-19.

New policy:

1. Employees and volunteers are no longer allowed to bring or purchase for delivery or open food items that are shared between the staff. Examples are cookies, cake or pizza. Employees may bring prepackaged items such as individually wrapped granola bars or bottled soda.
2. Hand Sanitizer stations and wipes have been added to the public entrances of the La Pointe Town Hall. Please use liberally each time you pass through. Please consider implementing the same practice in each Town building.
3. Proper hygiene is critical. Wash your hands, refrain from touching your face, coughing and sneezing should be into the elbow. Tissues should be disposed of appropriately.
4. Practice CDC recommended social distancing (6 feet). Please refrain from physical contact with others (handshaking/hugging).
5. All public areas that are touched repetitively during the day will need to be wiped down regularly with a CDC approved sanitizer. Any time an employee uses one of these areas, they should wash their hands. Alternatively, they may choose to use hand sanitizer before and after use.
6. If you have travel planned in the coming weeks, I suggest you cancel or reschedule. Employees who choose to go on vacation using a public form of mass transit (such as a cruise), or travel to an area (international or domestic) that is deemed to have "community transmission" of COVID-19 by the CDC at the time of your return, must seriously consider being automatically quarantined from work for the current CDC recommended period of time (14 days). Vacations must have been scheduled before

March 12, 2020. The employee must use vacation, personal, compensatory and sick leave for the absence. Please see <https://wwwnc.cdc.gov/travel/notices> for warning levels of countries across the World and <https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html> for states that have sustained community transmission of COVID-19.

7. All vacations not presently approved are subject to approval at the Town of La Pointe's discretion; we are anticipating an increasing likelihood of community quarantine at this time and need staff here to deal with possible challenges that may present. All efforts will be made to accommodate current approved vacations, however, please be aware that may change if the work force is depleted below minimum staffing levels.
8. All employees will be restricted to their own computer, phone and equipment when possible and not allowed to use other employees' phones or computers. If this is not an option, sanitize the shared surfaces before and after each use whenever possible.
9. Host/attend as many meetings as possible via electronic means rather than in-person. The Town has a telephonic meeting account set up – contact Dorgene for more information.
10. If an employee or volunteer feels they may have been infected with a cold or flu, **they should stay home until symptoms have subsided and have been fever free for 24 hours.** Please notify your supervisor at least (30) minutes before the start of your regular shift. All employees will make every effort to avoid any and all abuses of sick leave. Abuse of sick leave will result in disciplinary actions as outlined in the Personnel Policy.
11. Any employee who comes in with visible symptoms of an illness will be sent home.
12. This policy is being implemented under the extraordinary circumstances presented by COVID-19 and is subject to change at any time by the Town of La Pointe.

PROCEDURES/PROTOCOL FOR TELEPHONE MEETINGS

IN ADVANCE OF THE MEETING

1. Dorgene must set up the telephone meeting in advance. To start the meeting:
UberConference Number – **781-448-4124**; Conference PIN - **99028**
2. The agenda and other information for each meeting will be posted in advance on the Town's website under NOTICES.
3. Town Board/Committee Chair should be responsible to direct the conversation, make sure everyone sticks to the agenda and pays attention to time.
4. When a participant connects to the conference call, each should identify him/herself.

MEETING

1. Turn on the audio recorder.
2. The Chair should start the meeting on time, state that the meeting is being recorded and do a roll call of participants for the record.
3. Ensure that each participant is in a quiet location with no disruptions, and has the ringer turned off on their cell phone.
4. It is important to speak loudly and clearly.
5. Do not allow interruptions or side conversations to occur so everyone can hear and focus on the meeting.
6. Participants can consider muting their phones when not speaking.
7. Each participant should state his or her name before speaking each time one speaks.
8. The Chair should account for dead air. For example, say "let's take a short time to review the minutes – please tell me when you are done reviewing them".
9. The Chair will take roll call votes for every agenda item that must be voted on.
10. Each participant should leave the meeting with a goodbye.

ARTICLE VI
Approval of Bills and Vouchers
[Adopted 11-24-1998 by Ord. No. 98-1124]

§ 40-26. Authority.

This article is adopted pursuant to the authority granted to town boards under § 60.44(2), Wis. Stats., to adopt an alternative claim procedure for approving financial claims against a town which are in the nature of bills and vouchers.

§ 40-27. Required procedures.

- A. Payment may be made from the Town treasury under § 66.0607, Wis. Stats., after the Town Clerk reviews and approves in writing, except in the case of payroll timesheets which are approved in writing by department supervisors, each bill or voucher as a proper charge against the treasury, after having determined that:¹¹
- (1) Funds are available under the Town budget to pay the bill or voucher.
 - (2) The item or service covered by the bill or voucher has been duly authorized.
 - (3) The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
 - (4) The claim appears to be a valid claim against the Town.
- B. Further the Town Clerk shall prepare monthly, to be submitted to the Town Board at the first regular Town Board meeting, a list of claims paid under this procedure, listing the amount of the claims, the date paid, the name of the claimant, and purpose.

§ 40-28. Issuance of check.

Upon approval of a voucher by the Town Clerk under the procedures listed in § 40-27 of this article, a check payable to the claimant named in the voucher and in the amount approved shall be written by the Town Clerk (or the officer preparing the checks) and countersigned by the Town Clerk, Town Treasurer and Town Chairperson, pursuant to § 66.0607, Wis. Stats.

ARTICLE VII
Special Assessments and Charges
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

§ 40-29. Authority to levy special assessments.

The Town of La Pointe, by resolution of its Town Board, may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments. The amount assessed against any property for any work or improvement which does not represent an exercise of police power shall not exceed the value of the benefits accruing to the

¹¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

Josh Kaul
Wisconsin Attorney General



P.O. Box 7857
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FOR IMMEDIATE RELEASE

March 16, 2020

**Office of Open Government Advisory:
Coronavirus Disease 2019 (COVID-19) and Open Meetings**

MADISON, Wis. – The Wisconsin Department of Justice’s (DOJ) Office of Open Government (OOG) has prepared the following advisory in response to inquiries as to the applicability of the Wisconsin’s open meetings law, Wis. Stat. §§ 19.81 to 19.98, in light of current public health concerns regarding COVID-19. This advisory is provided pursuant to Wis. Stat. § 19.98.

As explained below, governmental bodies typically can meet their open meetings obligations, while practicing social distancing to help protect public health, by conducting meetings via telephone conference calls if the public is provided with an effective way to monitor such calls (such as public distribution, at least 24 hours in advance, of dial-in information for a conference call).

The open meetings law states: “[I]t is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.” Wis. Stat. § 19.81(1). To that end, the law requires that “all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law.” Wis. Stat. § 19.81(2). A meeting must be preceded by notice providing the time, date, place, and subject matter of the meeting, generally, at least 24 hours before it begins. Wis. Stat. § 19.84.

The open meetings law “does not require that all meetings be held in publicly owned places but rather in places ‘reasonably accessible’ to members of the public.” 69 Op. Att’y Gen. 143, 144 (1980) (quoting 47 Op. Att’y Gen. 126 (1978)). As such, DOJ’s longstanding advice is that a telephone conference call can be an acceptable method of convening a meeting of a governmental body. *Id.* at 146. More recently, DOJ guidance deemed video conference calls acceptable as well. Wis. Dep’t of Justice,

When an open meeting is held by teleconference or video conference, the public must have a means of monitoring the meeting. DOJ concludes that, under the present circumstances, a governmental body will typically be able to meet this obligation by providing the public with information (in accordance with notice requirements) for joining the meeting remotely, even if there is no central location at which the public can convene for the meeting. A governmental body conducting a meeting remotely should be mindful of the possibility that it may be particularly burdensome or even infeasible for one or more individuals who would like to observe a meeting to do so remotely—for example, for people without telephone or internet access or who are deaf or hard of hearing—and appropriate accommodations should be made to facilitate reasonable access to the meeting for such individuals.

To be clear, providing only remote access to an open meeting is not always permissible, as past DOJ guidance shows. Where a complex plan, drawing, or chart is needed for display or the demeanor of a witness is significant, a meeting held by telephone conference likely would not be “reasonably accessible” to the public because important aspects of the discussion or deliberation would not be communicated to the public. See 69 Op. Att’y Gen. at 145. Further, the type of access that constitutes reasonable access in the present circumstances, in which health officials are encouraging social distancing (including avoiding large public gatherings) in order to mitigate the impact of COVID-19, may be different from the type of access required in other circumstances. Ultimately, whether a meeting is “reasonably accessible” is a factual question that must be determined on a case-by-case basis. *Id.*

If you have questions or concerns regarding the application of the open meetings law, please contact the Office of Open Government at (608) 267-2220.

Lisa Potswald

From: Max Lindsey <mlindsey@ncis.net>
Sent: Thursday, March 19, 2020 4:11 PM
To: Lisa Potswald; Micaela Montagne
Subject: COVID-19 Paid Leave

Lisa and Micaela,

I have been going through the recent federal legislation regarding paid leave for COVID-19. Below is my understanding for the time being:

Starting April 2, 2020, employees will be granted an additional two-weeks paid sick leave in addition to any accrued sick leave. This additional sick-leave can be used at any time prior to December 31, 2020, for most reasons related to the COVID-19 pandemic. If an employee is out of work for longer than ten-days, that employee may be eligible for Family Medical Leave (FMLA) for a 12-week period, which would be paid at two-thirds (2/3) of the employee's regular rate of pay after the first 10-days. The reasons that an employee may take this increased paid sick leave are as follows:

- The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
- The employee is advised by a health care provider to self-quarantine due to COVID-19 concerns;
- The employee is experiencing COVID-19 symptoms and seeking medical diagnosis;
- The employee is caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns;
- The employee is caring for the employee's child if the child's school or place of care is closed or the child's care provider is unavailable due to public health emergency; or
- The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Prior to April 2, 2020, employees are required to use accrued sick or vacation time to cover any absences due to COVID-19. Employees would not be required to use sick or vacation time if that employee is telecommuting or otherwise working from home. Further, the additional 2-week paid sick time cannot be rolled over into subsequent years and will not be paid out upon the retirement of an employee.

The sick-leave pay is capped at \$511/day and the 2/3 FMLA leave pay is capped at \$200/day. Additionally, the additional sick-leave is capped at \$200/day if the leave is for the purpose of caring for another individual (the last 3 bullets).

The department of labor is going to have a notice within the next 10 days that explains all of this clearly.

The Town would not be reimbursed for any of the additional sick-leave costs that they have to pay out. The legislation exempts the tax credits to government of any state government, political subdivision, or instrumentality thereof. Private business will be reimbursed for these additional costs in the form of a refundable tax credit, just in case we get questions from other business owners.

Let me know if you have any questions and I will update as I learn more.

Thanks,
Max

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