THE CITY OF WAUKEE, IOWA

PROCLAMATION AMENDMENT

EMERGENCY AND PUBLIC DANGER RELATED TO CORONAVIRUS/COVID-19

IN THE NAME AND BY THE AUTHORITY OF THE CITY OF WAUKEE, IOWA

WHEREAS, I have previously determined that a state of emergency or public danger exists and directed certain requirements concerning the use of facemasks within the City Limits; and

WHEREAS, the White House Coronavirus Task Force continues to list Iowa in the task force-defined "red zone" as Iowa continues to fall within the top states for highest new cases and highest positivity rates in the U.S.; and

WHEREAS, the Centers for Disease Control & Prevention ("CDC") and the Iowa Board of Medicine have determined that face coverings are a critical tool in the fight against COVID-19 that could reduce the spread of the virus, particularly when used universally within communities and the Iowa Board of Medicine issued a face mask advisory on August 24, 2020, noting that masks are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings; and

WHEREAS, the Institute for Health Metrics and Evaluation at the University of Washington as of October 29, 2020 has projected that the U.S. will reach nearly 400,000 deaths by February 1, 2021, but that if mask wearing in public increases to 95%, more than 60,000 lives could be saved; and

WHEREAS, the Governor of Iowa has issued multiple proclamations, most recently on November 16, 2020, determining that a state of emergency or public danger continues to exist and imposing restrictions on businesses and the public as more particularly set forth therein, now mandating, on a statewide basis, the use of masks or face coverings in public settings; and

WHEREAS, Article III, Section 38A of the Iowa Constitution grants municipalities the power to determine their local affairs and government not inconsistent with the laws of the general assembly; and

WHEREAS, Chapter 364 of the Iowa Code reaffirms the constitutional grant of home rule authority to a municipality "to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the city or its residents, and improve the peace, safety, health, welfare and convenience of its residents"; and a "city may exercise its general powers subject only to limitations expressly
imposed by a state or city law,” and the exercise of a city power “is not inconsistent with a state law unless it is irreconcilable with the state law.” Iowa Code section 364.2(2) and (3); and

WHEREAS, Iowa Code Section 372.14(2) and the City of Waukee Municipal Code Section 108.5 grant the Mayor powers in times of emergency or when public danger exists;

NOW, THEREFORE, IN CONSIDERATION OF THE FORGOING AND OTHER VALID EMERGENT CONCERNS, I, COURTNEY CLARKE, MAYOR OF THE CITY OF WAUKEE, PROCLAIM THE FOLLOWING:

I determine that the state of emergency or public danger determined to exist in the Governor’s proclamation of November 16, 2020, and my Proclamations of September 14, 2020; September 17, 2020; and November 5, 2020 continues to exist and that the guidance referenced herein from the CDC is appropriate and instructional and that the Governor’s prohibitions and requirements are legal and binding.

Face Coverings. Consistent with the Governor’s November 16, 2020 statewide face mask mandate, I strongly and urgently encourage all persons in the City of Waukee to wear a face covering such as a cloth mask, surgical mask or similar covering that covers their nose and mouth when in a public place.

B. General. This Amendment to the previously issued Proclamation of emergency and public danger dated November 5, 2020 is part of an ongoing response of the City of Waukee to protect public health and safety and may be modified or superseded with more restrictive proclamations at any time as circumstances warrant and in all other respects and purposes, the prior Proclamation as hereby amended continues in full force and effect.

Proclaimed this 17th day of November, 2020, and effected the 17th day of November, 2020, by the Authority vested in me by the Code of Iowa and the City of Waukee Municipal Code.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the City of Waukee to be affixed this November 17, 2020.

[Signature]
Courtney Clarke, Mayor