WHEREAS, on March 15, 2020 and by amendment on March 17, 2020, I determined that a state of emergency or public danger existed and directed restrictions on all gatherings on public property or public right-of-way; and

WHEREAS, COVID19 continues to pose a serious and potentially deadly threat to the public and the public health as the Federal Center for Disease Control ("CDC") guidance notes that large events and mass gatherings can contribute to the spread of COVID-19 in the United States by introduction of the virus to new communities; and

WHEREAS, the Governor of Iowa by Proclamation dated May 26, 2020, continues to strongly encourage all vulnerable Iowans to continue to limit their activities outside their home including participation in gatherings of any size and any purpose and she continues to encourage all Iowans to limit and to exercise particular care and caution with in-person interactions with vulnerable Iowans and the CDC has noted that events of any size should only be continued if they can be carried out with adherence to guidelines for protecting vulnerable populations, hand hygiene and social distancing; and

WHEREAS, the Governor Proclamation requirements and CDC recommendations are made in an attempt to reduce the spread of infection in communities affected by the virus; and

WHEREAS, Iowa Code Section 372.14(2) and the City of Des Moines Municipal Code Section 2-168 grant the Mayor powers in emergency circumstances when public danger exists to take extraordinary steps to protect the public health and safety.

NOW, THEREFORE, IN CONSIDERATION OF THE FORGOING AND OTHER VALID EMERGENT CONCERNS, I, T.M. FRANKLIN COWNIE, MAYOR OF THE CITY OF DES MOINES, PROCLAIM THE FOLLOWING:

I hereby determine that the state of emergency or public danger determined to exist in my Proclamation of March 15, 2020 and Proclamation Amendment of March 17, 2020 still exists 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. I therefore direct that such Proclamation shall be further amended to require that an outdoor social, community, recreational, leisure or sporting gathering or event, including, but not limited to a parade, festival, convention, or fundraiser, of more than 10 people on public property or public right-of-way shall comply with the following requirements:

1) The gathering organizer or sponsor must limit the number of participants present in any outdoor venue with grandstands or other permanent seating to 50% of its normal operating capacity and limit the number of participants in other outdoor settings to a number that permits the social distancing required by paragraph 2.

2) The gathering organizer or sponsor must ensure at least six feet of physical distance between each group or individual attending alone.

3) The gathering organizer or sponsor shall implement reasonable measures under the circumstances of each gathering to ensure social distancing of gathering participants, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-
consistent with guidance issued by the Iowa Department of Public Health and, for any food service, the Iowa Department of Inspections and Appeals.

4) The gathering organizer or sponsor of a sporting or recreational event shall implement reasonable measures under the circumstances of the event to ensure reasonable social distancing, increased hygiene practices and other health measures for athletes and participants to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.

5) The gathering organizer or sponsor shall comply with all other relevant provisions of the Governor Proclamation.

6) The gathering organizer or sponsor shall comply with all other reasonable and lawful permit requirements imposed by the City Manager to reduce the risk of transmission of COVID-19.

As part of the permit application to conduct a social, community, recreational, leisure or sport gathering or event of more than 10 people on public property or public right-of-way, the gathering organizer or sponsor must document its willingness, ability and capacity to comply with all the above requirements. If the City Manager reasonably determines that the gathering organizer or sponsor is unwilling, unable or otherwise incapable of complying with all the above requirements, the City Manager shall not issue a permit for the gathering or event and such gathering or event shall be prohibited.

I further determine and direct the Police Chief to enforce such direction to avoid any such prohibited gatherings, whether formally or informally organized.

I further strongly suggest—consistent with the recommendations of the Governor and CDC—that private gatherings of 10 or more people on private property shall comply with all applicable requirements of the Governor Proclamation.

This Amendment to the previously issued and amended Proclamation of emergency and public danger is part of an ongoing response of the City of Des Moines 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 amended Proclamation as hereby further amended continues in full force and effect.

Per Section 2-168(c) of the Municipal Code, the public is advised that the violation of a mayoral proclamation of emergency or of any subsidiary proclamation thereto evidencing the exercise of emergency powers or of any rule or order issued pursuant thereto by the Mayor or the City Manager or of any order issued pursuant thereto by any peace officer or of any directive issued by designated emergency services personnel pursuant thereto shall constitute a violation of that section and shall be punishable as a misdemeanor as provided by section 1-15 of the municipal code.

PROCLAIMED THIS FIFTH DAY OF JUNE, 2020 BY THE AUTHORITY VESTED IN ME BY THE CODE OF IOWA AND THE CITY OF DES MOINES MUNICIPAL CODE:

[Signature]

T.M. FRANKLIN COWNIE
MAYOR
CITY OF DES MOINES