



April 10, 2020

Citizens of Camanche,

Hopefully, this letter finds you and your families safe and healthy at home as we head into the Easter holiday amidst the COVID-19 pandemic. We continue to monitor, abide by, and enforce the governor's updated emergency proclamation. As of yesterday afternoon, there were 24 confirmed cases in Clinton County. Current expectations are that we could reach the peak number of positive cases by late April. I urge all of you to take this seriously and stay home as much as you can. If you must go out for essential items, make sure you are practicing social distancing. Wear a mask. Wash your hands. FYI, there is a study out there that says up to 30% of negative test results could be "false negatives", so if you've been sick at all---STAY HOME! You've heard much of this before, but until everyone participates, we will continue to have community spread.

I have been asked by several people why I don't issue a shelter-in-place order for the city. I spoke directly with Iowa Attorney General Tom Miller and the answer, in short, is that mayors don't have that authority under an emergency proclamation because state law preempts local law---even though it is not lessening restrictions. We will post a copy of the information General Miller forwarded to me.

There are a few items of city business I would like to address here as well. First, we are in the process of re-scheduling our spring large item pickup. It will be moved back but we do not yet have a date. I have seen several homes with junk out by the street. Even if we were going to go ahead with the pickup as scheduled (which we are NOT), ordinance only allows you to put items out by the road within ONE week of the pickup. Anyone who has junk out by the road right now could potentially be cited. As a result of the delayed large item pickup, I am currently trying to get in touch with someone from the church that normally organizes the "city-wide" garage sale. We want to make sure that they are not going to promote this and give people a reason to congregate. The city would be strongly against having garage sales under the current situation.



Second, I realize that we are also currently dealing with yet another flood on the Mississippi River. This will adversely affect several of our residents for the second year in a row. If any of you need sand, sandbags, scoops to fill sandbags, etc., please call city hall and we will deliver them to you. Unfortunately, we will not be able to provide any help with regards to labor in order to protect our staff. If there is anything else we can do, please ask.

I would like to publicly thank Matt Weller. Upon gaining permission from the city, Mr. Weller took it upon himself to go around and sanitize every park in the city. We certainly appreciate it! Thank you, Matt!

I would also like to give a shout out to all of our city departments and staff, who have been adapting quite well to the many unconventional methods we've had to resort to in order to maintain the safety of our city staff and our citizens. Our folks have been going above and beyond through this pandemic to make sure we can still provide the services that you have come to expect. Putting oneself at risk for the benefit of others now has additional meaning! Thank you, city staff!!!

Finally, I would just like to remind everyone that now would be a really good time to complete your census data information. As long as we must be home, we might as well get it done. Hopefully, we are over the 5,000 population threshold that will open up more avenues of funding, thus lowering the burden on all of you---the tax paying citizens of Camanche!

Everyone, please be safe and responsible this Easter weekend. Let's continue to try to limit the spread of this awful virus! Stay healthy and God Bless!!!

Mayor Trevor Willis



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County and City Home Rules Powers:

Article III, Section 38A and Section 39A contain the City and County Home Rule provisions in the Iowa Constitution. The powers granted cities and counties under these constitutional amendments are to determine their local affairs and government, not inconsistent with the laws of the General Assembly, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. Counties are also constrained in their home rule powers if that power conflicts with the power of a city, providing a city power will prevail within its jurisdiction.

When an ordinance prohibits an act permitted by a statute, or permits an act prohibited by a statute, the ordinance is considered inconsistent with state law and is preempted. See City of Des Moines v. Gruen, 457 N.W.2d 340, 342 (Iowa 1990). Implied preemption occurs when the legislature has covered a subject by statutes in such a manner as to demonstrate a legislative intention that the field shall be preempted by state law.

The powers exercised by cities under the Home Rule Amendments have been generally categorized as “police powers”. These include the power of cities and counties to protect rights, privileges, and property of the city and county and to preserve and improve the peace, safety, welfare, comfort and convenience of their residents. Iowa Code Section 331.301 (county) and Iowa Code Section 364.1 (City). These powers may be exercised by cities and counties subject to limitations expressly imposed by a state law, and are barred if such actions are irreconcilable with state law. Under Iowa Code Sections 331.301 and 364.3, City mayors are further empowered to govern the city by proclamation during a time of emergency or public danger. Iowa Code Section 372.14.



These authorities generally indicate authority for cities and counties to act to protect the safety of the residents of their communities yet require cities and counties to yield where the powers are inconsistent with powers of the state.

State Powers

A public health disaster is defined in Iowa law as a state of disaster emergency proclaimed by the Governor in consultation with the Department of Public Health for a disaster that involves an imminent threat of a health condition caused by the appearance of a novel infectious agent and that poses a high probability of a large number of serious health consequences. Iowa Code § 135.140(6). During a public health disaster, the Governor and the Department of Public Health have broad legal authority to take all reasonable measures necessary to prevent the transmission of the virus and to prevent, control, and treat the infectious disease. These legal authorities are contained in part at Iowa Code sections 135.144 and 29C.6. These authorities include the powers to “control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises in such area.” Iowa Code § 29C.6(15).

Iowa Code Section 29C.6 (8) allows the Governor to delegate and sub-delegate any administrative authority under the Emergency Management Chapter. This indicates the Governor may delegate powers under emergency powers under that section to local authorities to address the current public health emergency, including the power to place restrictions on movement within the communities. This likewise indicates the Governor may choose not to delegate this authority to local agencies.

Conclusion: While cities and counties have police powers to protect the health and safety of their citizens, the State has the authority to declare and coordinate the response to a public health disaster. This includes the power of the Governor to sub-delegate administrative authority to cities and counties, including the power to restrict movement within communities by these local authorities. This power also would allow the Governor discretion to retain such powers and not delegate this authority to cities or counties.