

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution adopting emergency curfew order.

Agenda Date: May 31, 2020

Contact Individual: Sarah Boese, Board Executive Assistant
Board of Supervisors
286-3895

Previous Action taken by the Board: NA

Board/Commission Actions: N/A

Comply with Policy: Yes

Background: The Polk County Board of Supervisors under section 21.4 of Iowa State Code, conducted an emergency Board of Supervisors meeting on May 31, 2020 to adopt an emergency curfew order as a result of violent protests that took place on May 29 and 30.

Action Impact: The passage of this resolution adopts curfew order.

Fiscal Note:

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
19/20					N		

Additional Fiscal Note Information (optional):

RESOLUTION

Moved by Hackensmith Seconded by Connolly
that the following Resolution be adopted:

WHEREAS, the Polk County Board of Supervisors pursuant to section 21.4 of the Code of Iowa held an emergency meeting on May 31, 2020 to adopt a curfew order in response to violent protests that occurred on May 29 and 30; and,

WHEREAS, it is necessary to hold an emergency virtual public meeting on less than twenty-four hours notice because such notice is impossible and impractical; and,

WHEREAS, such notice is impossible or impractical and good cause exists to hold such meeting because of the immediate threat to the health and safety of the people and property of and in Polk County; and,

WHEREAS, due to civil unrest and public disorders has resulted in substantial interference with the public peace and there exists an immediate threat to the health and safety of the people and property of Polk County; and,

WHEREAS, Polk County, Iowa desires to enact a mandatory Curfew Order for Polk County to protect and preserve the rights and property of the county and its residents; and,

WHEREAS, the curfew order will remain in effect until further notice and the Board of Supervisors will review the need for the continuation of the curfew order on a daily basis.

NOW THEREFORE BE IT RESOLVED that Polk County hereby approves and adopts the attached curfew order.

POLK COUNTY

Chair

Submitted by:

Ralph Marasco
Assistant Polk County Attorney

Fiscal Impact: NA

CURFEW ORDER

POLK COUNTY, IOWA

WHEREAS, as a result of the death of Mr. George Floyd in Minneapolis, Minnesota, a violent outbreak of civil unrest and public disorder has taken place on May 29 and May 30, 2020 within Polk County, Iowa; and

WHEREAS, this civil unrest and public disorder has resulted in substantial interference with the public peace as to constitute a significant threat to the health and safety of the people and a significant threat to private and public property; and

WHEREAS, this civil unrest and public disorder is evidenced by significant public property damage in the City of Des Moines, including courthouse break-ins; and

WHEREAS, this civil unrest and public disorder is evidenced by significant private property damage to businesses, restaurants and bars within the City of Des Moines; and

WHEREAS, this civil unrest and public disorder is evidenced by multiple arrests over the two day period on the charge of Rioting in violation of Iowa Code Section 723.1 (2019); and

WHEREAS, pursuant to section 331.301(1) of the Code of Iowa (2019), consistent with the laws of the general assembly and the Constitution of the State of Iowa, Polk County may exercise any power it deems appropriate to protect and preserve the rights, privileges and property of the county or its residents and to improve the peace, safety, health, welfare, comfort and convenience of its residents.

WHEREAS, Polk County, Iowa desires to enter a mandatory Curfew Order for Polk County to protect and preserve the rights, privileges and property of the County and its residents and to preserve and improve the peace, safety, health, welfare of its residents.

NOW THEREFORE, the Polk County Board of Supervisors, acting on behalf of Polk County, Iowa and pursuant to Iowa Code Section 331.301(1) enacts the **CURFEW ORDER** as follows:

- 1) A mandatory curfew is in effect starting at 9:00 p.m. on May 31, 2020. The hours of the curfew are from 9:00 p.m. central standard time until 5 a.m. central standard time on June 1, 2020. This curfew will remain effective until further notice. The Board of Supervisors will reevaluate the need for continuation of the curfew on a daily basis.
- 2) The curfew is in effect for all of Polk County, Iowa and applies to all individuals except those who are travelling to and from work during those hours, those who require medical assistance or who have a legitimate family emergency and those participating in official religious observance.
- 3) All other individuals located in Polk County, Iowa shall remain in their place of residence during the hours the curfew is in effect.

- 4) Polk County, Iowa authorizes any peace officer employed thereby, when in full and distinctive uniform or displaying a badge or other insignia of authority, to arrest without warrant any person violating or attempting to violate this Curfew Order in that officer's presence.

POLK COUNTY, IOWA

/s/ Matthew McCoy

BY: Matthew McCoy, Chairperson

DATE: May 31, 2020

**BOARD OF SUPERVISORS
EMERGENCY MEETING MINUTES
MAY 31, 2020, 9:40 PM**

Board Members Present: Robert Brownell, Tom Hockensmith, Angela Connolly, Matt McCoy, Steve Van Oort.

Board Members Absent: None.

Staff Members Present: Ralph Marasco, Jon Cahill.

Item I: Adoption of Emergency Curfew Order

In response to the violent protests that occurred throughout Polk County on May 29 and 30, the Board of Supervisors convened an emergency meeting via Zoom pursuant to section 21.4 of the Code of Iowa. Due to the nature of emergency and the need to protect public property and Polk County residents, it was unavoidable to depart from public notice requirements. The order will remain in effect until further notice and the Board of Supervisors will review the need for the continuation of the curfew order on a daily basis.

The resolution was moved by Supervisor Hockensmith, seconded by Angela Connolly. All were in favor.

Meeting adjourned 9:50 pm
Minutes submitted by R Marasco