

RESOLUTION

November 9, 2020

The Dubuque County Board of Health voted to recommend to the Dubuque County Board of Supervisors and local governing board for Dubuque County to require face coverings that cover the mouth and nose.

WHEREAS, On March 17, 2020, the Governor of Iowa issued a Proclamation of Public Health Disaster Emergency after multiple cases of COVID-19 had been confirmed in Iowa and the Iowa Department of Public Health determined that community spread was occurring within the state; and

WHEREAS, Iowa voters in 1968 passed the Home Rule Amendment to the Iowa Constitution which constitutionalized local control in the State of Iowa; and

WHEREAS, The Home Rule Amendment became Article III, Section 39A of the Iowa Constitution granting counties the power to determine their local affairs and government not inconsistent with the laws of the general assembly; and

WHEREAS, Chapter 331 of the Iowa Code reaffirms the constitutional grant of home rule authority to counties "to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the county or its residents, and improve the peace, safety, health, welfare and convenience of its residents"; and

WHEREAS, Chapter 137 of the Iowa Code grants a county board of health to have jurisdiction over public health matters within the county; and

WHEREAS, Governor Reynolds has indicated the Governor's emergency management authority occupies the field and local governments are not authorized to implement "Stay at Home Orders" or face mask mandates; and

WHEREAS, The Governor has failed to perform the necessary analysis as to whether local "Stay at Home Orders" and face mask mandates are irreconcilable with her emergency management action; and

WHEREAS, Until that analysis is done, or a court settles the question of preemption, the matter is not settled; and

WHEREAS, On October 18, 2020 White House Coronavirus Taskforce report continues to place Iowa in the red zone for cases, indicating more than 100 new cases per 100,000 population; and

WHEREAS, Dubuque County continues to be one of the counties in the White House Coronavirus Taskforce Report with the highest number of new cases in the 3-weeks preceding the report; and

WHEREAS, The White House Coronavirus Taskforce report made the following policy recommendations for counties in the red zone:

- Public Messaging
 - Wear a mask at all times outside the home and maintain physical distance
 - Limit social gatherings to 10 people or fewer
 - Do not go to bars, night clubs, or gyms
 - Use take out or eat outdoors socially distanced
 - Protect anyone with serious medical conditions at home by social distancing at home and using high levels of personal hygiene, including hand washing and cleaning surfaces
 - Reduce your public interactions and activities to 25% of your normal activity
- Public Officials
 - Close bars and gyms, and create outdoor dining opportunities with pedestrian areas
 - Limit social gatherings to 10 people or fewer
 - Institute routine weekly testing of all workers in assisted living and long-term care facilities
 - Require masks for all staff and prohibit visitors
 - Ensure that all business retailers and personal services require masks and can safely social distance
 - Increase messaging on the risk of serious disease for individuals in all age groups with preexisting obesity, hypertension, and diabetes mellitus, and recommend to shelter in place
 - Work with local community groups to provide targeted, tailored messaging to communities with high case rates, and increase community level testing
 - Recruit more contact tracers as community outreach workers to ensure all cases are contacted and all positive households are individually tested within 24 hours
 - Provide isolation facilities outside of households if positive individuals can't quarantine successfully
- Testing
 - Move community-led neighborhood testing and work with local community groups to increase access to testing
 - Surge testing and contact tracing resources to neighborhoods and zip codes highest case rates
 - Diagnostic pooling: Laboratories should use pooling of samples to increase testing access and reduce turnaround times to under 12 hours. Consider pools of 2-3 individuals in high incidence settings and 5:1 pools in settings where test positivity is under 10%
 - Surveillance pooling: For family and cohabitating households, screen entire households in a single test by pooling specimens of all members into single collection device

WHEREAS, Thousands of students have come to Dubuque county to attend the local colleges and universities and we continue to deliver in-person education for elementary, middle, and high school students, which will further increase the risk of spread of the virus within our community; and

WHEREAS, Members of the Dubuque Community School Board have asked the Dubuque County Board of Health to ensure the safety of students, teachers, and staff in the public schools by requiring face coverings to reduce the spread of COVID-19 in the community; and

WHEREAS, The Centers for Disease Control (CDC) has determined that face coverings are critical tools in the fight against COVID-19 that could reduce the spread of the virus, particularly when used universally within communities; and

WHEREAS, The Governor's current proclamation requires that businesses and gatherings ensure social distancing of employees, customers and attendees, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with the guidance of the Iowa Department of Public Health (IDPH); and

WHEREAS, The IDPH's reopening guidance advises that members of the public consider the use of cloth face coverings when distancing is not possible because wearing face coverings in public places where social distancing measures are difficult (like grocery stores and pharmacies) can help slow the spread of COVID-19, and refers the public to the "local public health agency, the appropriate regulating agency or professional association" with questions about how to implement its guidance; and

WHEREAS, A requirement that persons in Dubuque County wear face coverings is essential to reducing the risk of transmission of COVID-19, and necessary to protect the health, welfare and safety of residents and visitors and accelerate local recovery efforts; and

WHEREAS, The 2021 influenza season has commenced with cases already being reported in Iowa, and has the potential to cause a greater burden to the clinics and hospitals in Dubuque County; and

WHEREAS, A requirement to wear face coverings is consistent with the Governor's proclamation and the guidance of the IDPH and the Dubuque Board of Health; and

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND OTHER VALID EMERGENT CONCERNS, THE DUBUQUE COUNTY BOARD OF HEALTH RESOLVE THE FOLLOWING:

We hereby determine that a state of public health disaster emergency in Dubuque County exists and continues.

Every person in Dubuque County three (3) years of age or older must wear a face covering that covers the person's nose and mouth when in a public place as follows:

- In public, as opposed to being in one's place of residence, when one cannot stay six (6) feet away from others;
- Inside of any indoor public settings, for example, but not limited to:
 - Grocery stores
 - Pharmacies
 - Hardware stores

- Retail stores
- Other public settings that are not one's place of residence and when with persons who do not live in the household;
- Outside, if keeping six (6) feet away from others is not possible; and
- Using public transportation or a private car service (including taxis, ride share, or carpooling).

All business that are open to the public must post signs at the entrance(s) informing customers of the requirement to wear a face covering while inside their business, as stated in this Resolution. Face coverings must be provided by the business for customers who do not have their own.

The following persons are exempt from wearing a face covering:

- Persons younger than three (3) years of age due to the risk of suffocation
- Anyone who had trouble breathing or is on oxygen therapy or a ventilator
- Anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance
- Anyone actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, although a mask should be worn if possible.

Places and times where persons are exempt from wearing a face covering:

- While traveling in a personal vehicle alone or with household members
- While a person is alone or in the presence of only household members
- While outside, if keeping six (6) feet away from others is possible
- While exercising at moderate or high intensity such as jogging, biking, swimming, or being in or around a body of water
- While seated at a food establishment in the process of eating or drinking
- While obtaining a service that would require temporary removal of the person's face covering
- When federal or state law prohibits wearing a face covering or requires the removal of the face covering

The Dubuque County Board of Health continues to strongly encourage citizens to adjust to life with COVID-19 in an open economy, prior to the availability of a vaccine, by:

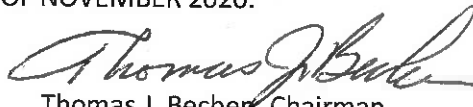
- 1) Regularly washing you hands for twenty (20) seconds and routinely sanitizing frequently touched surfaces;

- 2) Practicing social and physical distancing whenever possible; and
- 3) Monitoring your personal health and if you are exhibiting COVID-19 symptoms or have been exposed to a positive COVID-19 case, staying home and contacting your medical provider.

The provision of any prior proclamations shall continue until modified, rescinded, or extended. This resolution shall remain in place until modified, rescinded, extended, or until March 1, 2021.

This resolution of emergency and public danger is part of an ongoing response of the Dubuque County Board of Health to an ever-changing situation to protect public health and safety. This proclamation may be modified or superseded at any time as circumstances warrant. Please be aware these decisions have been made based upon the information available today.

RESOLUTION ADOPTED THIS 9th DAY OF NOVEMBER 2020.



Thomas J. Becher, Chairman
Dubuque County Board of Health

ATTEST: 
Samantha Kloft, Assistant Health Director
Dubuque County Health Department

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