

MEMO

Legal Department

Item No. 19

To: Mayor Haila and Ames City Council

From: Mark O. Lambert, City Attorney

Date: November 6, 2020

Subject: Sunset clause in face-coverings ordinance

On September 1, 2020, the Council adopted Ordinance #4420, which generally mandated that people in Ames wear face coverings while in public settings.

The Ordinance contains a sunset clause. The Council chose December 31, 2020 as the date the ordinance would come to an end. The ordinance states: "SUNSET CLAUSE: This ordinance expires and becomes null and void after December 31, 2020, unless the date in this clause is amended or the ordinance is sooner repealed."

After the November 10, 2020 City Council meeting, there will be three regular meetings of the Ames City Council before the end of the year. It takes three readings to pass or amend an ordinance, and those readings typically happen at separate Council meetings. So, we are now at the point that the Council should decide whether it wants to extend the ordinance or to let it expire after December 31.

If the Council chooses to extend the ordinance, I would suggest as a starting point for discussion that extending by six months might be a good course of action as it means that the Council will not have to keep addressing this issue frequently. Of course, if Council members' opinions change or if the coronavirus pandemic lessens, the Council may repeal the ordinance at any time. A six-month extension would result in an ordinance ending date of June 30, 2021. Of course, the Council, if it chooses to extend the expiration date, can choose a shorter or longer time period.

ALTERNATIVES:

1. The Council can direct the City Attorney to draft an ordinance, for consideration at the next regular Council meeting, extending the sunset date on the face-coverings ordinance to some future specified date.
2. The Council can take no action and allow the face-coverings ordinance to expire after December 31, 2020, as is currently stated in the ordinance.
3. The Council can direct the City Attorney to draft an ordinance, for consideration at the next regular Council meeting, repealing the sunset-clause language in the face-coverings ordinance, with the result that the ordinance will remain in effect until the Council takes action to repeal the ordinance.

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