★ Roll Call Number

....

Date .... October 3, 2022 ....

Item requested by Council Member to be considered by the full Council for inclusion at the next Council Workshop or other disposition as directed by Council.

Moved by _____ that the attached requested item be considered by Council for inclusion on the next Council Workshop.

Second by _____ .

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED   APPROVED

_____ Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

PROPOSED

WHEREAS, access to health care including reproductive health care is a fundamental human right; and

WHEREAS, access to safe and legal abortion is a deciding factor in long-term health, safety, and quality of life; and

WHEREAS, *Roe v. Wade*, the landmark Supreme Court of the United States decision that recognized the constitutionally protected right for a pregnant person to choose to have an abortion prior to viability, had been the law of the land for almost 50 years; and

WHEREAS, a growing majority of Iowans support abortion access in most or all cases; and

WHEREAS, the Supreme Court's recent decision in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade,* rolling back essential protections for millions of people; and

WHEREAS, just a week before the *Dobbs* decision, the Iowa Supreme Court, in *Planned Parenthood v. Reynolds*, reversed the Iowa Supreme Court precedent, significantly limiting state constitutional protections for the right to access abortion; and

WHEREAS, residents across Des Moines, the state of Iowa, and the country are now at risk of losing access to essential health care services that many of them have had access to for their entire lives;

WHEREAS, despite the Iowa Supreme Court's decision in Planned Parenthood v. Reynolds, the Iowa Constitution continues to recognize the rights of all men and women to enjoy and defend liberty and pursue and obtain safety and happiness;

WHEREAS, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, especially within low-income communities and communities of color;

WHEREAS, under Section 364.1 of the Iowa Code, the City of Des Moines is empowered to "exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents";

WHEREAS, under this power, the city may determine the appropriate use of city resources and services;

WHEREAS, city services are already under significant resource constraints due to limited budgets and staffing shortages; and

WHEREAS, the resources of the City must be dedicated to the health and wellbeing of its residents;

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL THAT the City of Des Moines supports the codification of the right to abortion into state and federal law; and

BE IT FURTHER RESOLVED THAT the City of Des Moines remains committed to providing our employees the same access to health care including reproductive health care that they have had previously and the City Council directs the City Manager and human resources director to develop a policy related to travel reimbursement to access health care services that become inaccessible in state; and

BE IT FURTHER RESOLVED THAT   it is the policy of the City of Des Moines that, except to the extent otherwise required by state or federal law, City funds will not be used to do any of the following:

- Store or catalog any report of an abortion, miscarriage, or other reproductive healthcare act;

- Provide information to any other governmental body or agency about any abortion, miscarriage, or other reproductive healthcare act, unless such information is provided to defend the patient's right to abortion care or the healthcare provider's right to provide that care;

- Conduct surveillance or collect information related to an individual or organization for the purpose of determining whether an abortion has occurred, except for aggregated data without personally identifying information or personal health information which is collected for purposes unrelated to criminal investigation, enforcement, or prosecution.

BE IT FURTHER RESOLVED THAT the policy stated above does not apply in cases where coercion or force is alleged to have been used against the pregnant person, or in cases involving an allegation of conduct criminally negligent to the health of the pregnant person seeking care, or where the abortion, miscarriage, or reproductive healthcare is not the crime being investigated but evidence of another crime.

BE IT FURTHER RESOLVED THAT it is the policy of the City of Des Moines that the investigation or support for the prosecution of any allegation, charge or information relating to the outcome of a given pregnancy, including abortion and abortion-related care, or any party thereto, will be the lowest priority for enforcement and the use of City resources and personnel, except in cases (a) where coercion or force is used against the pregnant person, (b) of criminally negligent conduct involving the health of the pregnant person seeking care, or (c) where the abortion, miscarriage, or reproductive healthcare is not the crime being investigated but evidence of another crime.

BE IT FUTRHER RESOLVED THAT the City Council directs City Manager to work with staff to draft an ordinance to prohibit discrimination based on reproductive health actions so that no

person could be denied housing or employment for any perceived or actual pregnancy outcomes, including obtaining an abortion, or accessing any other reproductive health care.