

RESOLUTION 2020-R-03

A RESOLUTION OF THE CITY OF EDGEWATER, FLORIDA, ADOPTING A POLICY FOR THE PROTECTION OF INDIVIDUALS ENGAGING IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS, REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA AS FOLLOWS:

WHEREAS, 42 United States Code 5304(a)(1)(1), enacted as Section 104 of the Housing and Community Development Act of 1974, requires subrecipients of federal funds to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;

WHEREAS, 42 United States Code 5304(a)(1)(2), enacted as Section 104 of the Housing and Community Development Act of 1974, requires subrecipients of federal funds to adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction;

THEREFORE AND HENCEFORTH, it is the policy of the City of Edgewater to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction with due and proper consideration given to the extent and limits of the City's power and authority to do so.

All other resolutions and policies or sections of resolutions and policies of the City of Edgewater in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

If any section, paragraph, sentence, or clause hereof or any provision of this Resolution is declared to be invalid or unconstitutional, the remaining provisions of this Resolution shall be unaffected thereby and shall remain in full force and effect.

This Resolution shall take effect immediately upon its passage.

DULY PASSED AND ADOPTED by the City Council of the City of Edgewater, Florida at a regular meeting on this 1st day of June, 2020.

During the April 6, 2020 Council Meeting under Item 5 - APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA, a Motion by Councilwoman Power with Second by Councilwoman Yaney was made to continue this public hearing to a date and time certain of May 4, 2020 at 6:00 pm. The vote on the first reading of this resolution on April 6, 2020 was as follows:

| | AYE | NAY |
|------------------------------|--------------|---------------|
| Mayor Mike Thomas | | EXCUSED |
| Councilwoman Christine Power | <u> X </u> | <u> </u> |
| Councilwoman Kimberly Yaney | <u> X </u> | <u> </u> |
| Councilwoman Megan O'Keefe | <u> X </u> | <u> </u> |
| Councilman Gary Conroy | <u> X </u> | <u> </u> |

Due to the continuing "State of Emergency" situation and since Resolutions do not need to be advertised, this has been placed on the June 1st Council Agenda.

After Motion by Vice Mayor Conroy with Second by Councilwoman Power the vote on this resolution held on May 4, 2020 was as follows:

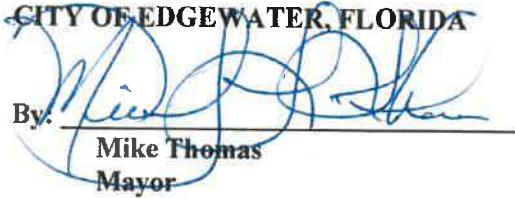
| | AYE | NAY |
|-----------------------------------|--------------|---------------|
| Mayor Mike Thomas | <u> ✓ </u> | <u> </u> |
| Councilwoman Christine Power | <u> ✓ </u> | <u> </u> |
| Councilwoman Kimberly Klein-Yaney | <u> ✓ </u> | <u> </u> |
| Councilwoman Megan O'Keefe | <u> ✓ </u> | <u> </u> |
| Councilman Gary Conroy | <u> ✓ </u> | <u> </u> |

PASSED AND DULY ADOPTED this 1st day of June, 2020.

ATTEST



Robin L. Matusick
City Clerk/Paralegal

**CITY COUNCIL OF THE
CITY OF EDGEWATER, FLORIDA**

By: _____
Mike Thomas
Mayor

For the use and reliance only by the City of Edgewater, Florida. Approved as to form and legality by: Aaron R. Wolfe, Esquire
City Attorney
Doran, Sims, Wolfe, Ciocchetti & Yoon

Approved by the City Council of the City of Edgewater at during the Council meeting held on the 1st day of June, 2020 under Agenda Item 8 e