CITY OF PARKER
AGENDA ITEM SUMMARY

1. *DEPARTMENT MAKING REQUEST/NAME OF PRESENTER:*	2. *MEETING DATE:*
Attorney Sloan/Council	May 2, 2023

Resolution 2023-391 request for adoption

4. *IS THIS ITEM BUDGETED (IF APPLICABLE)*

YES ☐ **NO** ☐ **N/A X**

A RESOLUTION FOR THE CITY OF PARKER, FLORIDA. ADOPTING A POLICY FOR THE PROTECTION OF INDIVIDUALS ENGAGING IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENOR'S ERRORS AND CONSTRUCTION; REPEALING RESOLUTIONS IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

RESOLUTION NO. 2023-391

A RESOLUTION FOR THE CITY OF PARKER, FLORIDA. ADOPTING A POLICY FOR THE PROTECTION OF INDIVIDUALS ENGAGING IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENOR'S ERRORS AND CONSTRUCTION; REPEALING RESOLUTIONS IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, 42 United States Code 5304(a)(I)(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 non-violent civil rights demonstrations; and

WHEREAS, 42 United States Code 5304(a)(I)(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 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 non-violent civil rights demonstration within its jurisdiction.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Parker, as follows:

Section 1. It is the policy of the City of Parker ("City") to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent 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 non-violent 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.

Section 2. If any section, subsection, sentence, clause, phrase, word or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution. If any penalty of this section is deemed inconsistent with any Florida statute, the provisions of the Florida Statute shall prevail.

Section 3. The correction of typographical errors which do not affect the intent of the Resolution may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 4. This Resolution shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 5. All resolutions or parts of resolutions of the City of Parker, in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

Section 6. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED on this 3rd day of May, 2023.

City of Parker, Florida

_____
Andrew Kelly, Mayor

ATTEST:

_____
Jamie Hinrichs, City Clerk

Examined and approved by me, this 3rd day of May, 2023.

_____
Andrew Kelly, Mayor