

RESOLUTION 2023-13

A RESOLUTION OF THE CITY COUNCIL OF AVON PARK, FLORIDA, PROVIDING FOR 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.

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 demonstrations within its jurisdiction:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AVON PARK FLORIDA, in a public meeting assembled this 24th day of July 2023.

1. It is the policy of the City of Avon Park 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.
2. All other resolutions and policies or sections of resolutions and policies of the City of Avon Park in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.
3. 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.
4. This Resolution shall take effect immediately upon its passage.

IN WITNESS WHEREOF, the City of Avon Park, Florida, has duly adopted this Resolution and caused it to be executed by the officers below on this 24th day of July, 2023. The vote was:

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	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilperson/Mayor Anderson	✓			
Councilperson /Dep.Mayor Barnard	✓			
Councilperson Taylor	✓			
Councilperson McGuire	✓			
Councilperson Mercure	✓			

(Seal)

ATTEST:

By: Christian Hardman

Christian Hardman, City Clerk

CITY OF AVON PARK, FLORIDA

By: Garrett Anderson

Garrett Anderson, Mayor

APPROVED AS TO FORM:

Gerald Buhr

Gerald Buhr, City Attorney

