

**RESOLUTION NO. 19-813-14**

**A RESOLUTION OF CITY OF JOHN DAY ADOPTING AN EXCESSIVE FORCE POLICY FOR NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS**

WHEREAS, City of John Day (“City”) has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, it is the policy of the City of John Day to prohibit excessive use of force for nonviolent civil rights demonstrations;

NOW, THEREFORE, City of John Day resolves as follows:

1. Findings. The above-stated findings contained in this Resolution No. 19-813-11 (this “Resolution”) are hereby adopted.

2. It is the policy of the City of John Day that:

- (a) its law enforcement personnel shall not use excessive force against any individuals engaged in nonviolent civil rights demonstrations, and
- (b) applicable state and local laws that prohibit physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction shall be enforced.

3. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors. This Resolution will be in full force and effect from and after its approval and adoption.

APPROVED AND ADOPTED by the City Council of City of John Day and signed by the mayor this 21st day of May 2019.

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Ron Lundbom, Mayor

ATTEST:

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Nicholas Green, City Manager