

RESOLUTION NO. 21-869-17

A RESOLUTION OF CITY OF JOHN DAY TO SUSPEND OPERATIONS OF THE JOHN DAY POLICE DEPARTMENT.

WHEREAS, City of John Day ("City"), an Oregon municipal corporation, 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, the John Day Police Department (the "Department") is a duly established municipal police department ~~of the City of John Day government~~; and

WHEREAS, the city manager has the power and authority to organize and reorganize ~~the departmental structure of the city government is given to the city manager under City departments (including, without limitation, the Department)~~ pursuant to Section 22(6)(g) of the 1993 City of John Day Charter (the "Charter"); and

WHEREAS, the city manager is responsible for the preparation and transmission of City's annual budget pursuant to Charter Section 22(6)(h) ~~of the Charter authorizes the city manager to prepare and transmit to the council an annual city budget~~; and

WHEREAS, ~~the City's 2021-2022 fiscal year~~ budget approved by the ~~council~~ John Day City Council (the "Council") on \_\_\_\_\_, 2021 included funding for police Department operations in anticipation ~~of the passage of a that a five-year~~ local option levy ~~to balance the department's budget for the (the "Levy")~~ would pass in August 2021 and provide sufficient financial resources to balance Department's 2021-2022 fiscal year that began July 1, 2021 budget; and

WHEREAS, ~~not enough voters cast a vote to pass a local option levy to support the John Day Police Department in a~~ a measure election was called by the council for the purpose of submitting the Levy to the electors during the special election held on August 17, 2021, which measure election failed to pass; and

WHEREAS, City is in the process of pursuing a certain Department of Homeland Security's Community Oriented Police Services ~~(COPS) grant has not been announced~~ grant (the "Grant") to defray Department's operational costs and expenses. However, as of the date of this Resolution No. 21-869-17 (this "Resolution"), City has not been informed whether City will receive the Grant award (and no date has been given for concerning if or when these grant funds City will be awarded the Grant); and

WHEREAS, ~~the John Day Police~~ Department currently has two full-time police officers and no police chief, which personnel (or lack thereof) is insufficient to safely meet ~~the needs of the city and its police officers~~ City's needs and/or ensure police officer safety; and

WHEREAS, the combination of inadequate funding and insufficient ~~staffing has~~ personnel have made continued Department operations ~~of the police department~~ unsustainable at this time; and

WHEREAS, due to the aforementioned, the city manager ~~has recommended~~ recommends suspending all Department operations ~~of the police department effective at 11:59:59 on as of~~ October 31, 2021 at 11:59:59 p.m.

NOW, THEREFORE, BE IT RESOLVED that City of John Day resolves as follows:

1. Findings. The above-stated findings contained in this Resolution ~~No. 21-869-17 (this "Resolution")~~ are hereby adopted.

2. ~~Authorization; Notice. The Council hereby authorizes the city manager to submit a supplemental budget to balance the fiscal year 2022 budget by discontinuing funding for the police department beginning November 1<sup>st</sup>, 2021. The Council~~ Department Suspension. The Council hereby approves and authorizes the suspension of the Department and all Department operations effective as of October 31, 2021 at 11:59:59 p.m. The Council further authorizes, approves, and directs the city manager, (and his ~~or her~~ designee, ~~acting individually and without further Council approval and/or authorization,~~) to take all actions necessary or appropriate to ~~implement this Resolution.~~ effectuate the Department's suspension (without further Council action), including, without limitation, transitioning Department employees to other City departments (temporarily or on an indefinite basis).

3. Supplemental Budget. The Council hereby approves and authorizes the city manager to submit a supplemental budget to balance City's 2021-2022 fiscal year budget by terminating all Department funding as of November 1, 2021.

~~34.~~ 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.

ADOPTED by the City Council of City of John Day and signed by the mayor this 12<sup>th</sup> day of October, 2021.

\_\_\_\_\_  
Ron Lundbom, Mayor

ATTEST:

\_\_\_\_\_  
Nicholas Green, City Manager