

RESOLUTION NO. 2024-09

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING A POLICY PROTECTING INDIVIDUALS ENGAGED IN NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the Congress of the United States has passed Section 104(1) to the Title I of the Housing and Community Development Act stating that no CDBG or CDBG-DR funds may be obligated or expended by any unit of general local government that fails to adopt and enforce a policy of prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; or fails 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 nonviolent civil rights demonstrations within its jurisdiction; and

WHEREAS, the Village of Estero has received or may in the future receive a Community Development Block Grant from the U.S. Department of Housing and Urban Development and is or will be required to comply with the Title I of the Housing and Community Development Act; and

WHEREAS, the failure to enforce such policies may cause the Village to lose its grant or eligibility for future federal grants.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, THAT:

1. It is the policy of the Village of Estero that the Lee County Sheriff's office, which provides law enforcement services to the Village, shall not use excessive force against individuals engaged in lawful and nonviolent civil rights demonstrations within the Village's boundaries.
2. It is the policy of the Village of Estero that the Lee County Sheriff, which provides law enforcement services to the Village, shall enforce applicable state and local laws against the physical barring of an entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within the Village.
3. The Village of Estero will coordinate with the Lee County Sheriff's Office to implement this Resolution through existing Sheriff's Office procedures.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity,

such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 1st day of May, 2024.

Jon McLain, Mayor

Attest:

Carol Sacco, Village Clerk