

CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 871, SERIES 2021

A RESOLUTION REASSERTING THE RIGHTS OF THE CITY OF WOODLAND PARK AND ITS RESIDENTS AND
CONDEMNING THE UNCONSTITUTIONAL LIMITATIONS IMPOSED UPON THEIR FREEDOMS BY THE
GOVERNOR OF COLORADO

WHEREAS, ALL businesses, places of worship, and governmental meetings are essential to the exercise of individuals fundamental rights and it is discriminatory for the state to treat some, but not all, establishments with preference by labeling them as “essential”; and

WHEREAS, the 14th Amendment to the United States Constitution states “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”; and

WHEREAS, the Supreme Court has upheld that individual citizens and groups have constitutionally protected rights of free speech, free assembly, and freedom to petition for redress of their grievances. *Edward v. South Carolina*, 372 U.S. 229, 235 (1963); and

WHEREAS, the Colorado Constitution in the Colorado Bill of Rights Article II, Section 24, *Right to assemble and petition* declares “The people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance”; and

WHEREAS, the Constitution of Colorado Article II, Section 3 states, “All persons have natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness”; and

WHEREAS, the courts have repeatedly determined that the government is only lawfully permitted to regulate the time and manner of public gathering in the interest of public safety, peace, comfort of convenience. *Cantwell v. State of Connecticut*, 310 U.S. 296, 306 (1940) and “peaceable assembly for lawful discussion cannot be made a crime. The holdings of meetings for peaceable political action cannot be proscribed” *De Jonge v. State of Oregon*, 299 U.S. 353, 365 (1937); and

WHEREAS, the Governor altered restrictions without regard to their purpose of health and safety and for his own political interests thus demonstrating that the limitations on speech did not meet the limited requirements of protecting the health and safety of the public; and

WHEREAS, the Governor’s emergency orders, as enforced by State agencies, deny the rights of the people to peaceably assemble at government meetings and in private places of business to engage in constitutionally protected activities; and

WHEREAS, the citizens of Woodland Park are both responsible and aware of their own personal health risk factors better than the Governor and the health department; and

WHEREAS, the citizens of Woodland Park have the inalienable right to pursue happiness which includes the right to use their properties for any lawful purpose, among those purposes is to engage in commerce to provide livelihoods for themselves and the individuals in their employment; and

WHEREAS, on January 25, 2021, the Governor extended the state of emergency originally declared on March 11, 2020 for the 11th time, continuing to negate legislative due process and abusing the emergency powers temporary granted to him under Colorado State Statues, for when a state of emergency operates in perpetuity it becomes a state of tyranny;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO STATE THAT:

The City of Woodland Park will not abide by any executive orders limiting attendance of and free speech at public meetings within the city.

The City Council of the City of Woodland Park does not support COVID restriction that would shut down businesses in the City of Woodland Park.

The City of Woodland Park calls upon the Governor, to take all necessary steps to prevent harm to local businesses and minimize the harm of the unconstitutional orders by reclassifying every business as an “essential” business.

The City Council understands that, notwithstanding their unconstitutional nature, State authorities might attempt to pressure businesses to comply and may threaten their livelihoods. The City of Woodland Park does not have the ability to preclude State enforcement actions. The City Council therefore calls on each business and individual to determine for themselves the level of which they desire to comply, in their best interest, with the Governor’s unconstitutional orders.

The City Council calls upon each business to be responsible in evaluating their own establishment and their capacity to safely accept patrons.

The City Council calls upon each business and patron to respect the determination of others as they determine the levels of protection instituted on their property.

The City Council calls upon patrons to use their best judgement when entering any store and freely walk away if they do not feel safe based on their personal health conditions.

THE FOREGOING RESOLUTION WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO AT A REGULAR MEETING HELD IN WOODLAND PARK, COLORADO ON THE 4TH DAY OF FEBRUARY 2021.

Val Carr, Mayor

ATTEST:

Suzanne Leclercq, City Clerk