



AGENDA ITEM #3

REPORT TO CITY COUNCIL

Report Prepared by: Nancy Malecha

Date: May 12, 2020

Subject: Consider a Resolution Declaring Pequot Lakes as a Constitutional & Business Friendly Community

Report: At the May 5th City Council Meeting, the Council requested that a Special City Council Meeting be held to consider a resolution similar to the City of Lakefield's recently adopted resolution declaring their city as a constitutional & business friendly community. Attached is the resolution.

The Council also directed me to receive advisement from the City Attorney on this issue. Our City Attorney urges the Council to strongly consider any potential legal and political issues with this resolution and its potential impact on tourism. The Council may want to consider revising the resolution to have a more positive tone toward supporting local residents and businesses while also following the guidelines from the CDC.

Council Action Requested: Council motion to adopt or not adopt the resolution declaring Pequot Lakes as a constitutional and business friendly community.

**CITY OF PEQUOT LAKES
RESOLUTION 20-___**

**RESOLUTION DECLARING PEQUOT LAKES AS A CONSTITUTIONAL AND
BUSINESS FRIENDLY COMMUNITY**

WHEREAS, the Fourteenth Amendment of the United States Constitution reads “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 City Council of Pequot Lakes, Minnesota wishes to express opposition to any Executive Order that would restrict the constitutional rights of the citizens of Pequot Lakes to life, liberty, or property, without due process of law; and

WHEREAS, Governor Walz’s Emergency Executive Order 20-33 Extending Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation states, “nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights”.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pequot Lakes, Minnesota:

- That the City Council of Pequot Lakes hereby expresses its intent to uphold and protect the Constitutional rights of the citizens of Pequot Lakes; and
- That the City Council of Pequot Lakes hereby declares Pequot Lakes as a Constitutional and Business Friendly Community; and
- That the City Council of Pequot Lakes hereby declares its intent to oppose any infringement by Executive Order or any other directive on the rights of law abiding citizens to keep their businesses open; and
- That the City Council of Pequot Lakes hereby requests relief from Governor Walz’s Executive Orders and demands that the sole power of issuing emergency orders and implementation related to the COVID-19 pandemic be restored to individual municipalities and local government agencies; and
- That the City Council of Pequot Lakes will not direct any City of Pequot Lakes resources to enforce any Executive Order or any other directive which infringes on the right of law abiding citizens to keep their businesses open as per the Constitution; and
- That the City Council of Pequot Lakes will use any legal means to protect the Constitutional rights of the citizens of Pequot Lakes.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Pequot Lakes, Minnesota:

- That the City Council supports the choice of all residents to continue to stay at home or the choice to move about freely within the City and to support the economy of Pequot Lakes while maintaining behaviors to preserve the health and safety of all residents; and
- That the City Council encourages all citizens to follow Minnesota Department of Health and CDC guidelines for social distancing and general conduct while out in public; and
- That the City Council advises that long-term care facilities restrict visitors, regularly check healthcare workers and residents for fevers and symptoms, and limit activities within the facilities to keep residents safe.

Adopted by the City Council of the City of Pequot Lakes this 12th day of May, 2020.

ATTEST:

James Tayloe
Mayor

Nancy Malecha
City Administrator