

**TOWN OF MONUMENT
RESOLUTION NO. 08-2021**

**A RESOLUTION REASSERTING THE RIGHTS OF THE TOWN OF MONUMENT 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, individual citizens and groups have constitutionally protected rights of free speech, free assembly, and freedom to petition for redress of their grievances. *Edwards 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 government is only lawfully permitted to regulate the time and manner of public gatherings in the interest of public safety, peace, comfort or convenience *Cantwell v. State of Connecticut*, 310 U.S. 296, 306 (1940) and “peaceable assembly for lawful discussion cannot be made a crime. The holding of meetings for peaceable political action cannot be proscribed.” *De Jonge v. State of Oregon*, 299 U.S. 353, 365 (1937); and

WHEREAS, governments restrictions on liberty “may be sustained if the State demonstrates a sufficiently important interest and employs means closely drawn to avoid unnecessary abridgment of associational freedom.” *Buckley v. Valeo*, 424 U.S. 1, 25 (1976); and

WHEREAS on 4 January 2021, 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 requirement 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 people to peaceably assemble at Government meetings and in private places of business to engage in constitutionally protected activities; and

WHEREAS, the citizens of Monument are aware of their own underlying health risk factors better than the Governor and the health department; and

WHEREAS, the citizens of Monument have a RIGHT to work and provide for their families; and

WHEREAS, a state of emergency that operates in perpetuity becomes a state of tyranny;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MONUMENT, COLORADO STATE THAT:

The town of Monument will not abide by any executive orders limiting attendance of and free speech at public meetings within the town.

The Board of Trustees does not support COVID restrictions that would shut down businesses in the town of Monument.

The Board of Trustees 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 Board of Trustees understands that, notwithstanding their unconstitutional nature, State authorities will attempt to pressure businesses to comply and may threaten their livelihoods. The Town of Monument does not have the ability to preclude State enforcement actions. The Board therefore calls on each business and individual to determine for themselves the level to which they desire to comply, in their best interests, with the Governor's unconstitutional orders.

The Board of Trustees calls upon each business to be responsible in evaluating their own establishment and their capacity to safely accept patrons.

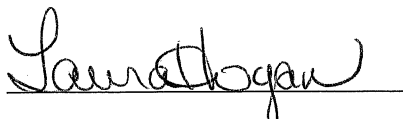
The Board of Trustees calls upon each business and patron to respect the determination of others as they determine the levels of protection instituted on their property.

The Board of Trustees calls upon patrons to use their best judgment when entering any store and feel free to walk away if they do not feel safe based on their underlying health conditions.

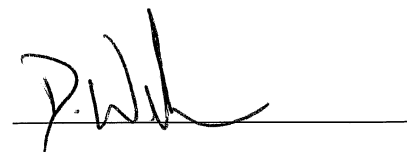
PASSED AND RESOLVED by the Board of Trustees of the Town of Monument, El Paso County, Colorado, this 11th day of January 2021, by a vote of 7 for and 0 against.

ATTEST:

TOWN OF MONUMENT



Laura Hogan, Town Clerk



Don Wilson, Mayor