

DRAFT RESOLUTION
FOR COUNTY COMMISSIONERS OR CITY COUNCIL

IN THE MATTER OF A RESOLUTION
SUPPORTING THE PROTECTION OF
CONSTITUTIONAL RIGHTS DURING
EMERGENCIES

WHEREAS, the Constitution of the United States is the cornerstone of our government and represents American values; and

WHEREAS, the Constitution of Oregon is the cornerstone of our state government and represents a combination of American and Oregonian values; and

WHEREAS, local elected officials swear to uphold the Constitution of the United States and the Constitution of the State of Oregon; and

WHEREAS, local elected officials endeavor to follow state laws and regulations and promulgate local ordinances and regulations which are within the boundaries of our constitutions; and

WHEREAS, the (name of County Board or City Council) strongly believes that all provisions of the Constitution of the United States and the Constitution of Oregon must be upheld without exception, and that public officials should not pick and choose those provisions to be recognized and defended, and should recognize and defend all provisions; and

WHEREAS, since at least March 2020, Oregonians have been confronted with the effects of a national pandemic, generally referred to as Coronavirus; and

WHEREAS, public officials throughout Oregon are charged with protecting the health of all Oregon communities, but are also charged with doing so within the constraints of our national and state constitutions; and

WHEREAS, the Governor of Oregon has issued a series of Emergency Orders which have, in certain respects, exceeded the limits of the United States and Oregon Constitutions, in particular, by closing businesses and schools outside of the powers authorized to the governor, and expanding the jurisdiction and power of state government agencies beyond the jurisdiction and powers authorized by state law; and

WHEREAS, the Governor of the State of Oregon has exercised powers which are the power of the Oregon Legislative Assembly, not the power of the Executive Branch, thereby delegating to the Governor powers which may not be delegated under the restrictions of the Oregon Constitution; and

WHEREAS, the Governor has maintained many “emergency” restrictions without appropriate consideration of the differences as to the effect of the Coronavirus in many parts of the state.

NOW, THEREFORE, this (Board of Commissioners or City Council) resolves as follows:

1. All employees and agencies of this (County or City) shall not assist in the enforcement of business closure, school closure, or stay-at-home directives under the Executive Orders of the Governor relating to the Coronavirus pandemic, including state agency directives or guidance, unless these matters have received specific authorization from this (Board of Commissioners or City Council) to do so;
2. All employees and agencies of this (County or City) shall recognize the protections provided by the Constitution of the United States and the Constitution of the State of Oregon in carrying out their duties.

Approved on the following date:

(Board of Commissioners or City Council signature lines)