

Mayor & Board Members,

Thank you Alderman Otto and the board, for tabling Bill 2026-26 known as the "Curfew Bill" after listening to those who spoke against it. After reviewing the revisions of Bill 2026-26 I commend everyone for stripping out the business owner's liability and for extending the curfew to 11:00. While those changes might be enough for aldermen to be comfortable with them, I encourage the entire board to think hard about this. The City of Lake Ozark will be unable to enforce this new ordinance. Attempting to enforce the **seven-page** ordinance will likely create many issues making our officers' jobs harder—not easier—and potentially exposing them to personal liability.

After reading the original version of Bill 2026-26, I asked attorney Mark McCloskey for his opinion regarding my concerns. Not only did he agree that the ordinance wasn't substantiated given the city's own data, he also agreed that violations of the 1st and 4th Amendment rights could be very damaging to the city if forced to defend a violation of the U.S. Constitution if our officers are ineffective at properly applying the "Curfew".

Another attorney who followed this story offered this assessment: the proposed ordinance is **"filled with ambiguities that can lead to its demise"**. He also noted that **Due Process and Equal Protection violations** due to this proposed bill could result in a very expensive defense the city would have to provide. Keep in mind the City of Lake Ozark citation log shows **ZERO** False ID citations were issued over the past 18 months to anyone under 18 years of age yet we want to target that group with an unnecessary curfew? If anything we should consider improving our enforcement of existing ordinances and issue citations for violators in that age group for 18 months before passing a new ordinance, then we could prove the necessity.

The City of Lake Ozark has a history of making many mistakes and paying for them at a high cost to our residents and business owners. Don't forget that over a decade ago the City of Lake Ozark was insolvent due to poor management and litigation.

With that in mind we need to enforce the laws we already have. If enforced, those laws will yield the results you seek and prevent our officers from having burdensome ordinances that require perfect enforcement to prevent liability. Creating ordinances like Bill 2026-26 only creates an opportunity for failure for the City, Business Owners and Taxpayers (Residents).

Thank you

Dennis Newberry