

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: June 4, 2019	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input checked="" type="checkbox"/> Timed <input type="checkbox"/> Consent
--------------------------------------	---

DEPARTMENT: Board of Supervisors
APPROVING PARTY: Jim Beard, Supervisor, District No. 4
PHONE NUMBER: 530-289-3295

AGENDA ITEM: Resolution declaring Sierra County to be a Second Amendment Sanctuary County.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION:

**FUNDING SOURCE: AND
GENERAL FUND IMPACT:** No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED?

 Yes, -- --
 No

IS THIS ITEM ALLOCATED IN THE BUDGET? Yes No

IS A BUDGET TRANSFER REQUIRED? Yes No

SPACE BELOW FOR CLERK'S USE

<p>BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken</p>	<p><input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____</p>	<p>Resolution 2019- _____ Agreement 2019- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus</p>
---	--	--

COMMENTS:

CLERK TO THE BOARD

DATE

Resolution
of the
Sierra County Board of Supervisors
Resolution declaring Sierra County to be a Second Amendment
Sanctuary County.

Whereas, the right of the people to keep and Bear Arms is an inalienable right which has been guaranteed by and codified inas the Second Amendment to the United States Constitution, and is further guaranteed under Article 1, Section 1, and Article 3, Section 1, of the California Constitution, and;

Whereas, the people of Sierra County regard the inalienable right to defense of property, self, community, state and nation to be unassailable, and the right to defense against tyranny an absolute right, and;

Whereas, the people of Sierra County derive both personal and economic benefit through the lawful, and safe use of firearms, including but not limited to target, competition, predator, and home defense practice shooting, as well as hunting, using all types of firearms allowable under the United States Constitution, and;

Whereas, The California legislature has placed a de facto ban upon modern sporting semiautomatic rifles by making unilateral classification changes due only to cosmetic features, and has violated the Interstate Commerce Act by making products readily available to citizens of neighboring states unavailable to California citizens, and has banned the sale of modernized versions of current handguns through its archaic and tyrannical hand gun roster, and;

Whereas, the California legislature has enacted expensive and tyrannical restriction upon the purchase of ammunition which are designed to prevent the exercise of Second Amendment guarantees, and banned the ownership and use of standard capacity magazines, and;
Whereas

Commented [AU1]: I have concerns about speaking for the "people of Sierra County," rather than speaking for the Board of Supervisors of Sierra County. My recommendation is that it read, "the Board of Supervisors of Sierra County" regard...

Whereas, the Sierra County Board of Supervisors, being duly elected by the people of Sierra County and being duly sworn by their Oath of Office to uphold the Constitution of the United States, and the Constitution of California against all enemies Foreign and Domestic, and;

Whereas, current legislation, and proposed legislation, not the least of which is Senator Ting (D) San Francisco would expand the definition of assault weapons to “high powered semiautomatic rifles without fixed magazines, and this new definition would not require any of the “evil cosmetic features” which are the current political definition of the “assault weapon”, as opposed to the assault rifle defined in the Federal Firearms act of 1968 as a fully automatic weapon and, these laws are but veiled attempts to invalidate Second Amendment rights and legislatively invalidate United States Supreme Court law as outlined in Heller v DC, McDonald v Chicago, and Miller v United States which clearly states that weapons of military grade are specifically protected by the Second Amendment, and;

Whereas, Current and proposed legislation is Ex Post Facto and are Bills of Attainder because they target rural people disproportionately, as well as declaring lawfully obtained firearms and magazines in a manner that automatically criminalizes the owners, and Red Flag Laws allow for the Unconstitutional Seizure of firearms and ammunition, and these laws are violations of the Fifth and Fourteenth Amendments due process clauses, and, the Fifth Amendment takings clause of the United States Constitution.

Therefore Be It Resolved that the ~~people of Sierra County do~~ Sierra County Board of Supervisors oppose the enactment of legislation which does or would infringe upon the Right of the people to keep and bear arms, and consider such legislation and consider such laws to be Unconstitutional and beyond lawful legislative authority.

Be It Further Resolved that the Sierra County Board of Supervisors demands that the California legislature cease further actions restricting the Right of the People to keep and bear arms and that no background check shall be required for purchase of ammunition, and use of non-lead ammunition shall only be required while hunting in a wildlife area, and

hereby demands that the Governor of California veto all such legislation.

Be It Further Resolved that the Sierra County Board of Supervisors will ~~direct-encourage~~ the Sierra County Sheriff to issue Open Carry permits as allowed in frontier Counties with less than 200,000 people under -Cal PC 26150(b)(2), ~~on a shall issue~~ basis according to all applicable county procedures.

Be It Further Resolved, to protect the inalienable rights of citizens guaranteed by the Second Amendment of the United States Constitution, the Sierra County Board of Supervisors does hereby declare Sierra County, California a “Second Amendment Sanctuary County.”

~~**Be It Further Resolved** that if the Government of California shall insist upon infringement of the inalienable rights guaranteed by the Second Amendment, Sierra County shall reserve the Right to become a “Second Amendment Sanctuary County” for all the firearms unconstitutionally prohibited by the government of California, and that Sierra County will prohibit its employees from enforcing the unconstitutional actions of the state government.~~

Be It Further Resolved that the Clerk of Sierra County is hereby directed to prepare copies of this Resolution and to deliver certified copies to the California Legislature and to the office of California's Governor.

Commented [AU2]: I recommend the “shall issue” language come out since the Board does not have the power to direct another elected official, such as the Sheriff to issue open carry permits.

Commented [AU3]: The Board of Supervisors cannot direct employees to break laws, including those employees who took an oath to uphold the law.

Formatted: Font: (Default) Times New Roman

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF DECLARING
SIERRA COUNTY TO BE A SECOND AMENDMENT
SANCTUARY COUNTY**

Resolution No. 2019-_____

WHEREAS, the right of the people to keep and Bear Arms is an inalienable right which has been guaranteed by and codified in the Second Amendment to the United States Constitution, and is further guaranteed under Article 1, Section 1, and Article 3, Section 1, of the California Constitution, and;

WHEREAS, the people of the Board of Supervisors of Sierra County regard the inalienable right to defense of property, self, community, state and nation to be unassailable, and the right to defense against tyranny an absolute right, and;

WHEREAS, the people of Sierra County derive both personal and economic benefit through the lawful, and safe use of firearms, including but not limited to target, competition, predator, and home defense practice shooting, as well as hunting, using all types of firearms allowable under the United States Constitution, and;

WHEREAS, The California legislature has placed a de facto ban upon modern sporting semiautomatic rifles by making unilateral classification changes due only to cosmetic features, and has violated the Interstate Commerce Act by making products readily available to citizens of neighboring states unavailable to California citizens, and has banned the sale of modernized versions of current handguns through its archaic and tyrannical hand gun roster, and;

WHEREAS, the California legislature has enacted expensive and tyrannical restriction upon the purchase of ammunition which are designed to prevent the exercise of Second Amendment guarantees, and banned the ownership and use of standard capacity magazines, and;

WHEREAS, the Sierra County Board of Supervisors, being duly elected by the people of Sierra County and being duly sworn by their Oath of Office to uphold the Constitution of the United States, and the Constitution of California against all enemies Foreign and Domestic, and;

WHEREAS, current legislation, and proposed legislation, not the least of which is Senator Ting (D) San Francisco would expand the definition of assault weapons to “high powered semiautomatic rifles without fixed magazines, and this new definition would not require any of the “evil cosmetic features” which are the current political definition of the “assault weapon”, as opposed to the assault rifle defined in the Federal Firearms act of 1968 as a fully automatic weapon and, these laws are but veiled attempts to invalidate Second Amendment rights and legislatively invalidate United States Supreme Court law as outlined in *Heller v DC*, *McDonald v Chicago*, and *Miller v United States* which clearly states that weapons of military grade are specifically protected by the Second Amendment, and;

WHEREAS, Current and proposed legislation is Ex Post Facto and are Bills of Attainder because they target rural people disproportionately, as well as declaring lawfully obtained firearms and magazines in a manner that automatically criminalizes the owners, and Red Flag Laws allow for the Unconstitutional Seizure of firearms and ammunition, and these laws are violations of the Fifth and Fourteenth Amendments due process clauses, and, the Fifth Amendment takings clause of the United States Constitution.

THEREFORE, BE IT RESOLVED that the Sierra County Board of Supervisors oppose the enactment of legislation which does or would infringe upon the Right of the people to keep and bear arms, and consider such legislation and consider such laws to be Unconstitutional and beyond lawful legislative authority.

BE IT FURTHER RESOLVED that the Sierra County Board of Supervisors demands that the California legislature cease further actions restricting the Right of the People to keep and bear arms and that no background check shall be required for purchase of ammunition, and use of non-lead ammunition shall only be required while hunting in a wildlife area, and hereby demands that the Governor of California veto all such legislation.

BE IT FURTHER RESOLVED that the Sierra County Board of Supervisors will encourage the Sierra County Sheriff to issue Open Carry permits as allowed in frontier Counties with less than 200,000 people under Cal PC 26150(b)(2), basis according to all applicable county procedures.

BE IT FURTHER RESOLVED, to protect the inalienable rights of citizens guaranteed by the Second Amendment of the United States Constitution, the Sierra County Board of Supervisors does hereby declare Sierra County, California a “Second Amendment Sanctuary County.”

BE IT FURTHER RESOLVED that the Clerk of Sierra County is hereby directed to prepare copies of this Resolution and to deliver certified copies to the California Legislature and to the office of California's Governor.

ADOPTED by the Board of Supervisors of the County of Sierra on June 4th 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

COUNTY OF SIERRA

PAUL ROEN
Chairperson

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
Clerk of the Board

DAVID PRENTICE
County Counsel