**RESOLUTION NO. \_\_\_\_\_\_\_\_\_**

**RESOLUTION DECLARING WEBER COUNTY A SECOND AMENDMENT SANCTUARY, AND FOR THE SUPPORT OF THE CONSTITUTIONAL RIGHTS CONTAINED IN THE “BILL OF RIGHTS”**

**WHEREAS,** the Declaration of Independence states in part, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. -- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed”; and

**WHEREAS,** these unalienable rights are codified in the United States Constitution and the Utah Constitution; and

**WHEREAS,** the Second Amendment of the United States Constitution guarantees: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”; and

**WHEREAS,** the right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Fourteenth Amendment to the Constitution of the United States of America; and

**WHEREAS,** Section 1 of the Fourteenth Amendment to the Constitution of the United States of America 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,** the Supreme Court of The United States in *District of Columbia v. Heller*, 554 U.S. 570, 599-603 (2008) recognized that according to the Second Amendment of the Constitution of the United States of America, the individual’s right to keep and bear arms is not limited to the individual’s service in a militia; and

**WHEREAS,** the Supreme Court of The United States further recognized in *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010) that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States; and

**WHEREAS,** Article 1 Section 6, of the Constitution of Utah provides, “The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes shall not be infringed; but nothing herein shall prevent the Legislature from defining the lawful use of arms”; and

**WHEREAS,** from time to time, certain legislation might be introduced in the United States Congress or in the Utah State Legislature which could infringe upon the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Constitution of Utah and by the United States Constitution; and

**WHEREAS,** the Board of County Commissioners, Weber County, Utah, finds that this resolution is reasonably related to the safety, health, morals, and welfare of Weber County inhabitants to protect them from any law that would unconstitutionally restrict the Second Amendment rights of the citizens of Weber County.

**NOW THEREFORE**, be it resolved by the Board of County Commissioners of Weber County, Utah, as follows: That the Board of County Commissioners hereby declares that public funds of the County shall not be used to unlawfully restrict the individual rights of the citizens of Weber County to keep and bear arms as recognized in the Constitutions of the United States and the State of Utah; nor shall public funds of the County aid in the unlawful restriction of those same individual rights; and

That the Board of County Commissioners hereby declares Weber County, Utah a “Second Amendment Sanctuary,” where the constitutionally protected individual rights of law abiding citizens to keep and bear arms, and of their use in the security and defense of self, family, others, and property, are supported; and

That the Board of County Commissioners hereby declares its opposition to unconstitutional restrictions on the right to bear arms, and opposes any efforts to unconstitutionally restrict all such rights secured by the Bill of Rights.

RESOLVED this \_\_\_\_ April, 2021.

BOARD OF COUNTY COMMISSIONERS

OF WEBER COUNTY

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

James H. “Jim” Harvey, Chair

Commissioner Froerer voted \_\_\_\_\_\_

Commissioner Harvey voted \_\_\_\_\_\_

Commissioner Jenkins voted \_\_\_\_\_\_

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ricky Hatch, CPA

Weber County Clerk/Auditor