



SIERRA COUNTY

BOARD OF COUNTY COMMISSIONERS

RESOLUTION № 110-190

OPPOSING THE NEW MEXICO GOVERNOR'S UNILATERAL SUSPENSION OF THE STATUTORY AND CONSTITUTIONAL CIVIL RIGHTS OF NEW MEXICANS

WHEREAS, the Board of County Commissioners of Sierra County, met in a special commission meeting on September 15, 2023, at 10:00 A.M. in the Sierra County Administration Office, 1712 N. Date Street, Truth or Consequences, NM 87901; and,

WHEREAS, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, "provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants"; and,

WHEREAS, the members of this Board took a solemn oath to support constitution of the United States and the constitution and laws of this State pursuant to Article 20 Section 1 of the New Mexico Constitution; and,

WHEREAS, the New Mexico State Constitution, Article II, Section 2 provides that "[a]ll political power is vested in and derived from the people: all government of right originates with the people, is founded upon their will and is instituted solely for their good."

WHEREAS, Article II, Section 3 provides that "[t]he people of the state have sole and exclusive right to govern themselves as a free, sovereign and independent state."

WHEREAS, Article II, Section 4 provides that "[a]ll persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty...".

WHEREAS, Article II, Section 6 provides that "[n]o law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms."

WHEREAS, Article IV, Section 24 provides that "[t]he legislature shall not pass local or special laws in any of the following cases: regulating county, precinct or district affairs; the jurisdiction and duties of justices of the peace, police magistrates and constables; ...".

WHEREAS, Article IV, Section 25 provides that “[n]o law shall be enacted legalizing the unauthorized or invalid act of any officer, remitting any fine, penalty or judgment against any officer or validating any illegal use of public funds.”

WHEREAS, Title 18, Section 241 of the United States Constitution provides that “[i]f two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, . . . , with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured- They shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.”

WHEREAS, Title 18, Section 242 of the United States Constitution provides that “[w]hoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

WHEREAS, the Supreme Court of the United States affirmed our rights, bestowed by our creator, in holding that the ability to carry a pistol in public for self-defense is a constitutional right guaranteed by the Second Amendment and that constitutional right to bear arms in public for self-defense is not “a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees, New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 142 S. Ct. 2111, 2156 (2022); and,

WHEREAS, on September 8, 2023, the Governor of the State of New Mexico issued Executive Order 2023-130 and directed that the Secretary of the Department of Health issue a public health emergency order, the same day, banning the possession of a firearm by New Mexicans, openly or concealed, outside of private property for certain cities and counties in the State; and,

WHEREAS, the public health order further banned the possession of a firearm on state property and public parks for all New Mexicans; and,

WHEREAS, the Governor’s Order further subjects firearms retailers to illegal searches of federal records of firearms transactions that are subject to review only by the Federal Government; and,

WHEREAS, Executive Order 2023-130 will remain in effect until October 6, 2023;

WHEREAS, the spurious stated reason for the public health order is to reduce gun crime, however it only takes away the right of self-defense for law abiding citizens;

WHEREAS, the Executive Order will do nothing to prevent gun crime by criminals as it is already illegal for criminals to carry guns; and,

WHEREAS, it is the desire of Sierra County to support and defend the New Mexico State Constitution and Bill of Rights, the United States Constitution and Bill of Rights and to protect the liberties of its citizens as stated therein; and,

WHEREAS, the Sierra County Commission acknowledges the absence of an effective impeachment process in the state of New Mexico, a situation that has regrettably resulted in a lack of accountability for the Governor's actions, including the illegal infringement upon the rights of citizens; and

WHEREAS, the Sierra County Commission is deeply concerned that the unchecked actions of the Governor, especially in times of emergency, has led to decisions that undermine the protection of citizens' rights and has resulted illegal government authority; and

WHEREAS, the Sierra County Commission is committed to ensuring that elected officials prioritize the rights of innocent citizens over empowering criminals, and advocates for accountability in government; and

WHEREAS, the Sierra County Commission believes in the importance of legal open carry and legal concealed carry as a means for law-abiding citizens to exercise their Second Amendment rights.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Sierra that it hereby opposes the Governor's patently unconstitutional public health order, re-affirms Sierra County's 2nd Amendment Sanctuary Status, and calls upon the County's citizens to stand up for all civil liberties guaranteed by the Constitutions of the United States and the State of New Mexico.

NOW THEREFORE BE IT FURTHER RESOLVED by the Board of County Commissioners of Sierra County that:

1. The Sierra County Commission unequivocally reaffirms its support for the Second Amendment to the United States Constitution, recognizing its fundamental role in preserving the right of law-abiding citizens to keep and bear arms.
2. The Sierra County Commission further reaffirms its unwavering support for the Constitution of the United States, upholding the rights and freedoms of all American citizens.
3. The Sierra County Commission hereby condemns and rebukes the recent actions of Governor Michelle Lujan Grisham that have unjustly stripped legal, law-abiding concealed and open carry citizens of their rights.
4. The Sierra County Commission expresses its profound concern about the absence of an effective impeachment process in New Mexico, which has resulted in a lack of accountability for the Governor's actions, including the unjust infringement upon the rights of citizens.

5. The Sierra County Commission calls for the immediate revocation of emergency orders and the powers of the Governor to mandate legislative meetings for the extension of emergency orders, in accordance with the New Mexico Constitution.
6. The Sierra County Commission urges Governor Michelle Lujan Grisham to reverse her actions and engage in a constructive dialogue with the people to develop balanced policies that respect the rights of legal open carry and legal concealed carry citizens while addressing the issue of illegal firearm possession.
7. The Sierra County Commission emphasizes the importance of electing officials who prioritize the rights of innocent citizens over empowering criminals and who uphold the principles of accountability in government.
8. The Sierra County Commission asserts that most recent actions taken by the Governor of New Mexico, Michelle Lujan Grisham, which have unjustly infringed upon the rights of legal, law-abiding concealed and open carry citizens and the lack of accountability for the Governor has permitted decisions that diminish the protection of citizens' rights and grant undue government authority, in direct violation of the New Mexico Constitution and the United States Constitution.

APPROVED, ADOPTED, AND PASSED on this 15th day of September 2023.

BOARD OF COMMISSIONERS OF SIERRA COUNTY

Absent

Travis Day, Chairman

James E Paxon

James Paxon, Vice-Chairman

Hank Hopkins

Hank Hopkins, Commissioner

Attest:

Shelly K Trujillo

Shelly K. Trujillo

Sierra County Clerk

