

RESOLUTION NO. 2021 - 6
RESOLUTION CONCERNING CONSTITUTIONAL RIGHTS AND PROTECTIONS
GUARANTEED BY THE UNITED STATES CONSTITUTION AND THE
CONSTITUTION OF THE STATE OF COLORADO

WHEREAS, each member of the Kiowa Board of County Commissioners ("BOCC") is required to take an oath of office prior to assuming the duties of County Commissioner, and

WHEREAS, the oath of office requires each member of the BOCC to swear to support the Constitution of the United States and the Constitution of the State of Colorado and the laws of the State of Colorado and to faithfully perform the duties of his office, and

WHEREAS, the BOCC maintains a strong commitment to all of the rights of the people in the County as stated in the Constitution of the United States and the Constitution of the State of Colorado, including, but not limited to, the provisions of said Constitutions that are stated below and that are applicable at all times, including, but not limited to, the declaration of emergencies, including, but not limited to, the Covid-19 pandemic.

WHEREAS, the BOCC opposes the adoption of laws, ordinances, rules, regulations, restrictions, and other governmental documents of legal force that unlawfully infringe upon the rights secured by said Constitutions.

WHEREAS, the rights of said Constitutions stated below appear to be the most in jeopardy at this particular time in our country's history and that no one should construe the absence of a stated right as protected by said Constitutions to mean that said right is not vigorously supported and protected by the County and its officials and officers.

WHEREAS, the First, Second, Fourth, and Tenth Amendments of the Constitution of the United States state the following:

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

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.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

WHEREAS, the Constitution of Colorado Article II, enumerates the Bill of Rights upon which the

principals upon which the government of the State of Colorado are founded and the protections afforded to the citizens of the State of Colorado as follows:

Section 1

Vestment of political power. All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 3

All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

Section 4

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the good order, peace or safety of the state. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

Section 5.

All elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Section 6.

Courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and right and justice should be administered without sale, denial or delay.

Section 7.

The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place or seize any person or things shall issue without describing the place to be searched, or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.

Section 10. No law shall be passed impairing the freedom of speech.; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

Section 13. The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

WHEREAS, the Executive Branch of the State of Colorado, through unlegislated executive orders, and Orders entered by the State of Colorado Department of Public Health has placed undue strain on the citizens of Kiowa County, local businesses, Kiowa County government and other local governments; and,

WHEREAS, the said Governor and the Department of Public Health, through executive orders contrary to the clear language of the United States Constitution and the Constitution of the State of Colorado, has restricted free commerce and has instituted excessive fines and/or sanctions on businesses unable or unwilling to enforce unlegislated orders upon customers; and,

WHEREAS, the said orders of the Governor and the Colorado Department of Public Health has improperly restricted citizens by imposing lockdowns, curfew limits, and the peoples' rights to assemble; and

WHEREAS, many of the executive orders are clearly contrary to the rights of free citizens guaranteed of the Constitution of Colorado and the United States Bill of Rights; and

WHEREAS, the Kiowa Board of County Commissioners desires to go on record expressing concern with violations of the rights of the Citizens of Kiowa County and the State of Colorado, and its continued commitment to the freedoms enumerated in the Bill of Rights and Colorado's Constitution, including the rights of all citizens of the Kiowa County to peaceably assemble and to engage in commerce for the financial support of themselves and their families

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The BOCC hereby commits to stand and defend at all times, whether during a state of emergency or otherwise, the rights and liberties of the persons in Kiowa County as guaranteed by the Constitution of the United States and the Constitution of the State Colorado and to express its intent to stand for the Bill of Rights and the federal and Colorado Constitutions, and to oppose, within the limits of the Constitutions of the United States and the State of Colorado, any efforts to unconstitutionally restrict such rights.
2. Kiowa County, Colorado is hereby declared to be "Constitutional Rights Sanctuary County" and the BOCC expresses its intent to uphold the said Constitutions and other clearly established rights guaranteed the citizens of Kiowa County.
3. The BOCC encourages and requests that all agencies, departments, and Elected Officials of the County to continue to uphold their oaths and take due care at all times, whether during a state of emergency or otherwise, not to infringe upon the rights and liberties of the persons and individuals in Kiowa County as stated in the Constitution of the United States and the Constitution of the State of Colorado;
4. The BOCC further encourages all branches of government of the State of Colorado to refrain from enacting any order, legislation, rule or other mandate which violates the rights of the Citizens of the State of Colorado contrary to the clear language expressed in the Constitution of the United States and the Constitution of the State of Colorado.

DULY MOVED SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST,
THIS 27TH DAY OF MAY, 2021

ATTEST:

DELISA WEEKS, ' CLERK TO THE
BOARD OF COMMISSIONERS
KIOWA COUNTY, CO

BOARD OF COUNTY COMMISSIONERS

DONALD OSWALD, CHAIRPERSON
HOWARD ROBERTSON, COMMISSIONER
MICHAEL LENING, COMMISSIONER