

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: 2nd Amendment Sanctuary County Resolution

DATE: December 31, 2019

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL- n/a

☐ **OTHER**

CAPITAL- n/a

COMMISSION ACTION REQUESTED ON: January 13, 2020

PURPOSE: To seek Commission approval on the attached 2nd Amendment Sanctuary County Resolution.

BACKGROUND / HISTORY:

- The Commission reviewed and discussed this resolution at their May 20, 2019 Work Session and did not wish to consider it further at that time.
 - The Commission re-discussed the resolution at their December 16, 2019 Work Session and there was consensus at that time to place it on the next regular meeting agenda for consideration/a potential vote after some language was revised by the County Attorney.
 - Resolutions similar to the attached have been considered/adopted by local governments nationwide.
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FACTS AND ISSUES:

- The attached resolution provides that:
 - a) the Habersham County Board of Commissioners affirms its support for the Habersham County Sheriff in the exercise of his sound discretion to not enforce against any citizen an unconstitutional firearms law.
 - b) no agent, employee or official of Habersham County, or any corporation providing services to Habersham County, shall provide material support or participate in any way with the implementation of federal acts, orders, rules, laws or regulations in violation of the Second Amendment to the United States Constitution.
 - c) the Habersham County Board of Commissioners will not authorize or appropriate funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing or assisting in the enforcement of any element of any acts, laws, orders, mandates, rules or regulations that infringe on the right by the people to keep and bear arms.
 - d) that all federal acts, laws, orders, rules, regulations that violate the Second Amendment to the Constitution of the United States or Article I, Section I, Paragraph VIII of the Constitution of the State of Georgia, violate the true meaning and intent of those constitutions and are hereby declared to be invalid and are specifically rejected in Habersham County and shall be considered null and void and of no effect in Habersham County.
 - The attached resolution generally affirms the Board of Commissioners support for the second amendment.
 - There have been multiple calls to the Commission office, and to individual Commissioners, from citizens in Habersham County that support the adoption of this resolution. The Sheriff
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also supports the adoption of this resolution.

OPTIONS:

- 1) Approve the attached resolution.
 - 2) Deny approval of the resolution.
 - 3) Commission defined alternative.
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RECOMMENDED SAMPLE MOTION: I move to approve the attached 2nd Amendment Sanctuary County Resolution.

DEPARTMENT:

Prepared by:

Director:

ADMINISTRATIVE

COMMENTS: _____

_____ **DATE:** _____

County Manager

**A RESOLUTION TO DECLARE HABERSHAM COUNTY, GEORGIA TO BE A
“SECOND AMENDMENT SANCTUARY COUNTY”**

WHEREAS, the Board of County Commissioners of Habersham County, Georgia being elected to represent the People of Habersham County, Georgia and being duly sworn by oath to uphold the United States Constitution and the Constitution of the State of Georgia, and;

WHEREAS, the Second Amendment to the Constitution of the United States reads as follows: “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 United States Supreme Court has affirmed an individual’s right to possess firearms, unconnected with service in the militia, for traditionally lawful purposes, such as self-defense within the home (District of Columbia v. Heller (2008)), and;

WHEREAS, the United States Supreme Court has affirmed that the right of an individual to “keep and bear arms,” is protected under the Second Amendment and is incorporated by the Due Process Clause of the Fourteenth Amendment against the states (McDonald v. Chicago (2010)), and;

WHEREAS, the United States Supreme Court has affirmed that the federal government of the United States cannot compel state law enforcement officers to enforce federal laws (Prinz v. United States (1997)), and;

WHEREAS, Article I, Section I, Paragraph VIII of the Constitution of the State of Georgia, entitled “Arms, right to keep and bear,” provides that, “[t]he right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne,” and;

WHEREAS, O.C.G.A § 1-2-6 (a)(9) lists the right to keep and bear arms among the rights of the citizens of the State of Georgia that are without limitation, and;

WHEREAS, all federal acts, laws, orders, rules or regulations regarding firearms, firearms accessories, and ammunition are a violation of the Second Amendment and Article I, Section I, Paragraph VIII of the Constitution of the State of Georgia and are contrary to the original intent of those provisions, and;

WHEREAS, the citizens of Habersham County, Georgia regard the right of people to keep and bear arms for defense of life, liberty and property as an inalienable right of the people, and;

WHEREAS, the citizens of Habersham County, Georgia derive economic and social benefit from all safe forms of firearms recreation, hunting and shooting conducted within Habersham County, and;

WHEREAS, it is the desire of the Habersham County Board of Commissioners to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Constitution of the State of Georgia that protect Habersham County Citizens’ individual, inalienable rights to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED by the Habersham County Board of Commissioners, duly assembled this ^{13th} ~~15th~~ day of ^{January} ~~July~~, 201²⁰~~2~~ that Habersham County be, and hereby is, declared to be a "Second Amendment Sanctuary County."

BE IT FURTHER RESOLVED that the Habersham County Board of Commissioners affirms its support for the Habersham County Sheriff in the exercise of his sound discretion to not enforce against any citizen an unconstitutional firearms law.

BE IT FURTHER RESOLVED that no agent, employee or official of Habersham County, or any corporation providing services to Habersham County, shall provide material support or participate in any way with the implementation of federal acts, orders, rules, laws or regulations in violation of the Second Amendment to the United States Constitution.

BE IT FURTHER RESOLVED that the Habersham County Board of Commissioners will not authorize or appropriate funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing or assisting in the enforcement of any element of any acts, laws, orders, mandates, rules or regulations that infringe on the right by the people to keep and bear arms, and;

BE IT FURTHER RESOLVED, that all federal acts, laws, orders, rules, regulations that violate the Second Amendment to the Constitution of the United States or Article I, Section I, Paragraph VIII of the Constitution of the State of Georgia, violate the true meaning and intent of those constitutions and are hereby declared to be invalid and are specifically rejected in Habersham County, Georgia and shall be considered null and void and of no effect in Habersham County, Georgia.

Adopted this 13th day of January 2020.

BY: S. Hall
Chairman Stacy Hall

The above Resolution was adopted by the Habersham County Board of Commissioners on this 13th day of January 2020.

ATTEST: Lindsay D. Underwood
Lindsay Underwood, County Clerk