

STATE OF COLORADO)
)ss.
COUNTY OF GARFIELD)

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held at the County Administration Building in Glenwood Springs on _____, the ____ day of _____, 2013, there were present:

Tom Jankovsky, Commissioner
Mike Samson, Commissioner
John Martin, Commissioner Chairman
Andrew Gorgey, County Manager
Frank Hutfless, County Attorney
Jean Alberico, Clerk to the Board

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 13-_____

RESOLUTION OPPOSING VAGUE AND UNENFORCEABLE FIREARM LAWS

WHEREAS, the Board of County Commissioners of Garfield County, State of Colorado (“BOCC”) is a legal and political subdivision of the State of Colorado for which the BOCC is authorized to act; and

WHEREAS, during the first regular session of the 69th Colorado General Assembly, lawmakers adopted several bills which severely restrict citizens rights to own, manufacture, sell or transfer firearms and firearms accessories; and

WHEREAS, fifty-five (55) of Colorado’s sixty-two (62) elected County Sheriffs, including Garfield County Sheriff Lou Vallario, have determined that two bills (House Bill 1224 and House Bill 1229) are vague, overreaching, unenforceable, and unconstitutionally infringe upon the rights of law abiding citizens as guaranteed by the Second and Fourteenth Amendments of the United States Constitution; and

WHEREAS, House Bill 1224 bans the possession, sale or transfer of ammunition magazines manufactured after July 1, 2013, which hold or were designed to be convertible to hold more than fifteen (15) rounds of ammunition, but there is no way to determine either the date of manufacture or the manufacturer’s intent regarding convertibility at the time of design; and

WHEREAS, House Bill 1229 requires private buyers and sellers of firearms to complete all transactions through a Federal Firearms Licensee and extends the mandatory background check beyond ordinary sales to include temporary transfers beyond seventy-two (72) hours, including the requirement that non-immediate family members who store and care for firearms belonging to deployed military personnel must be repeatedly subjected to background checks; and

WHEREAS, House Bill 1229 places an unreasonable burden on owners of farms and ranches that operate as corporations and maintain corporate ownership of firearms to complete the background check process on each of their family members and employees; and

WHEREAS, House Bill 1229 requires Federal Firearms Licensees participating in private sales transactions to complete and file all required background check and other required forms, and makes those licensed agents responsible for the accuracy of all information provided on such forms while capping the fee they can charge for this service at \$10.00, thereby increasing the risk that citizens will be unable to find Federal Firearms Licensees willing to provide this service; and

WHEREAS, fifty-five (55) elected County Sheriffs of Colorado have filed a lawsuit seeking temporary and permanent injunctions against these vague, overreaching, unenforceable and dangerous laws, and have been joined in their lawsuit by citizens with disabilities, licensed firearms dealers, firearms manufacturers, farmers and ranchers, and retired law enforcement personnel; and

WHEREAS, the BOCC strongly supports the rights of law abiding citizens guaranteed by the Second Amendment to the United States Constitution; and

WHEREAS, the BOCC will advocate for the protection of individual rights under that Second Amendment in order to protect the health, safety and welfare of citizens they were elected to serve.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, State of Colorado, as follows:

1. The BOCC hereby endorses and supports the efforts of the elected County Sheriffs of Colorado and others in their lawsuit seeking temporary and permanent injunctions against these two vague, overreaching and unenforceable laws which impose unconstitutional restrictions on citizens' rights and unworkable, unfunded and expensive mandates on County Sheriffs and the citizens they serve; and

2. Where legally appropriate, the County Attorney is authorized to assist in protecting the interests of the Garfield County Sheriff's Office and the citizens of Garfield County in avoiding the unfunded mandates created by these new laws, including the filing of amicus briefs designed to assist the Court.

DATED this ____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
GARFIELD COUNTY, STATE OF COLORADO

Clerk to the Board

By: _____
Chairperson

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

Tom Jankovsky Aye
Mike Samson Aye
John Martin Aye
Commissioners

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

I, Jean Alberico, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this ____ day of _____, A.D. 20__.

County Clerk and ex-officio Clerk of
the Board of County Commissioners
