

IRON COUNTY
RESOLUTION 2014-13

“CONSTITUTIONAL JURISDICTION RESOLUTION”

A RESOLUTION WHEREBY IRON COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF UTAH, DECLARES SUPPORT FOR THE CONSTITUTIONAL PRINCIPLE THAT SEPARATE JURISDICTION EXISTS AMONG STATE AND FEDERAL GOVERNMENT AND THAT GENERAL POWERS OF GOVERNING ARE POSSESSED BY THE STATES INCLUDING, ‘POLICE POWERS’, AND POWERS POSSESSED BY THE FEDERAL GOVERNMENT IN ALL MATTERS ARE FEW AND DEFINED¹ AND SHALL NOT FUNCTION ADVERSELY WITHIN IRON COUNTY TOWARD ANY CITIZENS DIRECTLY OR INDIRECTLY.

WHEREAS all government derives all its authority and just powers from the consent of the governed, and

WHEREAS “The governed” have no authority to delegate authority to government to act in a manner repugnant to the Constitution and inalienable rights of individuals, and

WHEREAS The United States Government is an entity created by the States by which certain enumerated powers are delegated to the United States of America , and

WHEREAS The federal government has placed the United States and the security of the citizens in jeopardy due to departures of Constitutionally mandated responsibilities and have abused the enumerated powers delegated to them by the States and have operated the government recklessly in terms of internal management, and

WHEREAS The federal government has placed the security of the United States and the liberty of its citizens in jeopardy due to fiscal mismanagement demonstrated by the accrual of debt in excess of 17 trillion dollars among other irresponsible actions, and

WHEREAS Iron County is a political subdivision of the State of Utah, and

WHEREAS The State of Utah is a separate independent sovereign² and serves to check federal overreach in cases where the Federal government has no authority to create and enforce laws beyond the scope of the federal constitution, and

WHEREAS Amendment X (10) of the United States Constitution specifically cites that “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 does not protect the sovereignty of States for the benefit of the States or state governments as abstract political entities, or even for the benefit of the public officials governing the States. To the contrary, the Constitution divides authority between federal and state governments for the protection of individuals. State sovereignty is not just an end in itself: ‘Rather federalism secures to citizens the liberties that derive from the diffusion of severing power.’”³

WHEREAS Citizens of Iron County have been adversely affected by the mismanagement of the Endangered Species Act as it applies to the Utah Prairie Dog⁴.

WHEREAS In 1866 Congress authorized access across federal land under revised statute 2477 and those roads and access points are integral for purposes including but not limited to horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines or other means of water transmission and their attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads and all other ways established. Road closures and access refusal is in direct conflict with the wishes of Iron County.

WHEREAS Wild horse and burro management on federal lands is in a current state of fiscal and programmatic distress. Herd populations seriously exceed appropriate management levels (AMLs) in many horse management areas throughout the West. The result is serious with potentially irreversible environmental destruction, including degradation of livestock forage, watershed, and wildlife habitat. Federal efforts to curb excessive population growth are isolated, delayed and ineffective due to perennially inadequate budgetary allocations as well as restrictions on how budgeted monies are spent. State wildlife management departments, on the other hand, are poised to appropriately determine AMLs and effectively bring populations in line with AMLs, and

² NFIB v. Sebelius, 132 S. Ct. 2566, 183 L. Ed. 2d 450 (2012)

³ Coleman v. Thompson 501 U.S. 722, 759, 111 S.Ct. 2546, 2570, 115 L.Ed.2d 640 (1991). New York v. United States, 505 U.S. 144, 181, 112 S. Ct. 208, 2431, 120 L. Ed. 2d 120 (1992).

⁴ Attorney Generals Guidelines for the Evaluation of Risk and Avoidance of Unanticipated takings, pp. 11-12

WHEREAS Federal mismanagement of forests within Iron County have lead to the annihilation of millions of board feet of marketable timber on the Dixie National Forest and currently poses an imminent threat of catastrophic wildfire that further poses dangerous conditions for air quality, watershed protection and value to the local and national economy.

NOW THEREFORE BE IT RESOLVED that the Iron County Board of Commissioners establishes this resolution to invoke "a healthy balance of power between the States and the Federal Government to reduce the risk of tyranny and abuse from either front."⁵

BE IT FURTHER RESOLVED that the Iron County Board of Commissioners declares that any federal act, law, order, executive order, rule, or regulation which violates the rights of Iron County Citizens as set forth in clear language of the US Constitution or of the Constitution of the State of Utah ,including but not limited to any attempt to enforce said actions is invalid in this county, shall not be recognized by this county, is specifically rejected by this county, and shall be considered null and void and of no effect in this county.

BE IT FURTHER RESOLVED that the Iron County Board of Commissioners supports the Iron County Sheriff in the performance of his constitutional and statutorily authorized duties.

BE IT FURTHER RESOLVED that all State civil and criminal law enforcement in Iron County is the jurisdiction of the local law enforcement agencies and any attempt by federal agencies to administer police powers or attempt to enforce law within Iron County, outside the authority granted by the federal constitution and state law is invalid.

⁵ Printz v. United States 521 U.S. 898, 921, 117 S. Ct. 2365, 2378, 138 L. Ed. 2d 914 (1997)

PASSED, APPROVED AND ADOPTED this the 13th day of June, 2014.



(SEAL)

BOARD OF IRON COUNTY COMMISSIONERS

A handwritten signature in dark ink, appearing to read 'David J. Miller', written over a horizontal line.

David J. Miller, Chairman

ATTEST:

A handwritten signature in dark ink, appearing to read 'David I. Yardley', written over a horizontal line.

David I. Yardley, County Clerk