

## RESOLUTION NO. 2021-017

### A RESOLUTION OF THE MOHAVE COUNTY BOARD OF SUPERVISORS DECLARING THE SENTIMENTS OF MOHAVE COUNTY, ARIZONA, UPON THE CONSTITUTIONAL QUESTIONS SURROUNDING THE GOVERNMENT RESPONSE TO THE NOVEL CORONAVIRUS

**WHEREAS**, the Board of Supervisors met in Regular Session this 19th day of January, 2021; and

**WHEREAS**, the State of Arizona, and the United States of America, are representative democracies, rooted in the foundational assumption that men and women are capable of self-government; but, because men are not angels, powers must be separated for liberty to be preserved, and tyranny kept at bay; and, to that end, the people's legislature must make the laws, the executive must execute only laws already in being, and an independent judiciary must adjudicate cases under the law, such that we are a government of laws and not of men; and

**WHEREAS**, the State and Federal Constitutions provide that "no law shall be enacted granting to any citizen, class of citizens, or corporation . . . , privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations," and that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States"; and

**WHEREAS**, both the State and Federal Governments, in their responses to the novel coronavirus, have acted in excess of constitutional authority, transgressed structural constitutional limits, and infringed on the rights and privileges of the People; and

**WHEREAS**, when the State or General Governments act in excess of constitutional authority, the Founders expected that subordinate governments would "be signals of general alarm," that "a correspondence would be opened" among them, and that they would "interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them";

**NOW, THEREFORE, MOHAVE COUNTY AND ITS CITIZENS RESOLVE AND EXPRESS THEIR SENTIMENTS AS FOLLOWS:**

**Section 1.** It is the obligation of the legislature to make all laws affecting the rights and liberties of the citizen, a responsibility they have heretofore abdicated, having adjourned *sine die* several months ago without resolving the important and controversial policy questions involving the coronavirus response. It is incumbent that the legislature reclaim their authority and hear from the respective and divergent parts of the community, so that proper policy and legislation may be made.

**Section 2.** The Governor may only execute such laws as are already in being and may not act like a lawmaker. Pursuant to a broad delegation of "emergency powers," a delegation which the Governor has misinterpreted to accord him broad power over the liberties, property, and livelihoods of the People, the Governor has effectively acted like a lawmaker, exercising sole power, contrary to the constitutional separation of powers. The Governor must abjure unilateral executive lawmaking and restore the legislature to its proper role.

**Section 3.** The Government, and any subordinate department thereof, must not arbitrarily infringe on the privileges and immunities of certain classes of citizens, by imposing arbitrary and ineffective curfews and arbitrary and ineffective restrictions upon certain businesses, without sufficient evidence justifying any such discriminations and regulations.

A copy of this resolution shall be transmitted forthwith to the several Boards of Supervisors of Arizona's several counties.

**PASSED, APPROVED and ADOPTED** this 19<sup>th</sup> day of January, 2021.

**MOHAVE COUNTY BOARD OF SUPERVISORS**

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**Buster D. Johnson, Chairman**

**ATTEST:**

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Ginny Anderson, Clerk of the Board