

STATE OF NEW MEXICO
CATRON COUNTY
RESERVE, NEW MEXICO 87830

ORDINANCE NO. 002-91

ORDINANCE OF THE CATRON COUNTY COMMISSION, STATE OF NEW MEXICO, (1) ADOPTING AN EMERGENCY ORDINANCE TO PROTECT THE PUBLIC PEASE, GENERAL WELFARE, HEALTH, AND SAFETY OF THE CITIZENS OF CATRON COUNTY FROM VIOLATIONS OF THE CONSTITUTIONAL AND CIVIL RIGHTS OF THE CITIZENS, (2) PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE, AND (3) REQUESTING THAT THE LEGISLATURE OF THE STATE OF NEW MEXICO ENACT SIMILAR LEGISLATION TO CODIFY WITH STATE LAW SUCH STATUTES AS ENACTED BY COUNTY ORDINANCE AND BY THE UNITED STATES CONGRESS.

THE COMMISSION FINDS:

1. That the purpose of the Civil Rights Act, 18 U.S.C. §§241 *et seq.* is to protect the citizens of the United States from acts which “injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States.”
2. That as part of the Civil Rights Act, 18 U.S.C. §§245(a)(1) allows state and local law enforcement authorities the authority and responsibility for prosecuting acts that may be in violation of the Civil Rights Act and that violate state or local law.
3. That the Commissioners of Catron County endorse the protections, rights or privileges afforded by the U.S. Constitution and the Civil Rights Act and desire to ensure that those protections, rights or privileges are afforded to the citizens of Catron County.

**BE IT DECREED BY THE CATRON COUNTY COMMISSION,
STATE OF NEW MEXICO**

THE COMMISSION DECLARES:

1. That to provide for the general welfare, public peace, health and safety of the citizens of Catron County, emergency passage of this Ordinance is required to protect the citizens of Catron County from current or potential violations of their rights or privilege as guaranteed by the U.S. Constitution, federal statutes and local Ordinances.
2. That the Civil Rights Act, 18 U.S.C. §§241 *et seq.* shall be adopted as a county Ordinance by the County Commission of Catron County.
3. That all violations of this Ordinance and the rights or privileges that this Ordinance protects, shall be filed with the county, district or prosecuting attorney or with the district court judge for submission to a grand jury. Once a petition regarding such violations of a right or privilege protected by this Ordinance is filed with the county, district or prosecuting attorney or

the grand jury, an investigation of such violation must occur, including a determination of the identification of the person(s), including but not limited to any employee of the federal, state or county government responsible for such violation.

4. That nothing in this Ordinance shall be construed to prohibit the county officers or the grand jury from investigating any potential violation of this Ordinance.

5. That all violations of this Ordinance shall be considered a criminal matter, therefore the punishment imposed upon the determination of guilty verdict shall be the maximum punishment allowed by the state law of New Mexico.

6. That if any provision of this Ordinance or the application thereof is held invalid, such invalidity does not affect any other provision of this Ordinance which can be given effect without the invalid provision or application, and to those ends the provisions of this Ordinance are severable.

THE COMMISSION DIRECTS that a copy of this Ordinance be forwarded to the Legislature for the State of New Mexico and respectfully requests that similar legislation be passed by the state.

PASSED, ADOPTED, AND SIGNED by the Catron County Board of County Commissioners as Catron County Ordinance No. 002-91 and recorded with the Catron County Clerk this 21st day of August, 1990.

**BOARD OF COUNTY COMMISSIONERS
CATRON COUNTY, NEW MEXICO**

ATTEST:

/s/ _____
G. V. Allred, Jr.

/s/ _____
J. V. Blancq, Clerk

/s/ _____
S. Rufus Choate

/s/ _____
Phillip W. Swapp