

RESOLUTION NO. 2021-12

WHEREAS, Article V of the Amendments to Constitution, commonly referred to the Fifth Amendment to the Constitution of the United States provides that no person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation; and

WHEREAS, Article X of the Amendments to Constitution, commonly referred to the Tenth Amendment to the Constitution of the United States provides 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; and

WHEREAS, the Constitution of the United States does not have any provision permitting the federal government to take or exercise control over private property belonging to its citizens, except the same be taken by right of eminent domain as set forth under the provisions for due process of law and compensation to the owners; and

WHEREAS, President Joe Biden has issued Executive Order 14008 which at 216(a) directs the Secretary of the Interior, in consultation with other relevant federal agencies to submit a report to the Task Force within 90 days of the date of the order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and water by 2030; which would take or exercise control over private property belonging to landowners in the United States, in violation of the provisions of the Constitution of the United States; and

WHEREAS, the landowners in Rock County have nurtured and protected the land in Rock County for more than one hundred thirty years, and have done so in a demonstrably superior manner than real estate is managed by the United States Government; and

WHEREAS, it is unconscionable that the United States Government is seeking to take ownership and control of thousands of acres of land from private ownership from private landowners in violation of the Constitution of the United States, and the laws passed thereunder, which would cause dramatic and irreversible harm to the economies of the State of Nebraska, and rural counties, including Rock County, whose citizens rely upon private lands for their livelihoods;

WHEREAS, the County Board of Commissioners of Rock County have reviewed and considered the social, economic and ecological merits of Executive Order 14008; and

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Rock County Board of County Commissioners do hereby officially oppose any effort, express or implied, by or through Executive Order 14008 or any other manner, of the United States Government to acquire or exercise control over any property within the borders of Rock County, and supports the private ownership and management of land and waters; and

IT IS FURTHER RESOLVED, that the Rock County Board of County Commissioners do hereby urge the Attorney General of the State of Nebraska, the Honorable Douglas Peterson, to take any and all legal action necessary or appropriate to oppose the implementation of Executive Order 14008 within the State of Nebraska.

IN WITNESS WHEREOF this resolution is hereby adopted on this 20th day of April 2021.

ROCK COUNTY BOARD OF COUNTY COMMISSIONERS:

By Jim L. Stout
By W. W. Mary
By Wade D. Peltch

ATTEST:

Dawnette Buoy
County Clerk

