

## BOARD OF SUPERVISORS, LASSEN COUNTY CALIFORNIA

### DECLARATION AND PETITION TO THE CALIFORNIA STATE LEGISLATURE FOR THE WITHDRAWAL OF LASSEN COUNTY FROM THE STATE OF CALIFORNIA AND TO FORM THE STATE OF JEFFERSON AND ALTERNATIVELY TO AUTHORIZE JOINING A LEGAL CHALLENGE TO REYNOLDS VS. SIMS

**WHEREAS**, when California was admitted to the union on September 9, 1850, counties played an integral part of California history as we note that each of the original 27 counties had a representative in the original State Constitutional Convention in 1849; that each of the original 27 counties had a representative in both Chambers of the legislature; that each of the 52 counties at that time had a representative in the 1878/1879 Convention; that the 1849 Constitution established a State Assembly with 80 members and a State Senate with 40 members, which has remained unchanged to this date; that the 80 members of the State Assembly has always been apportioned based on population from its origins; that the 40 members of the State Senate was apportioned based on population, except for the period of 1930 to 1965 when the Federal Plan was put in place by the voters; and

**WHEREAS**, since 1964, and the landmark United States Supreme Court decision of Reynolds v. Sims (1964) 377 U.S. 533, California has been obligated to apportion *both* houses of its state legislature based on population; the result of this decision, eliminating the use of the "Federal Plan" in the California State Senate, has left many of California's counties without a voice; and

**WHEREAS**, the California Constitution has fixed the number of representatives in both chambers at 40 Senators and 80 Assembly members; such a number is arbitrary, and has the undesirable result that, as the population grows, it dilutes the share of each County in its governing role, whereby forcing Counties to share its Senators and Assembly members with more Counties as the decades go by, diluting and abridging the votes of the citizens of the Counties themselves in this process; and

**WHEREAS**, dilution of the individual voter's representation in California, to a ratio of almost 475,000 citizens to one representative in the Assembly and almost 950,000 to one in the Senate, has denied the voice of rural California, and particularly the voters of Lassen County; and

**WHEREAS**, the Lassen County Board of Supervisors recognizes the lack of representation for rural and frontier counties in the California Legislature, and the Board recognizes an increasing tendency by the State of California to exercise legislative and fiscal malfeasance in many forms including, but not limited to, the listing of the Gray Wolf on the endangered species list by the California Fish and Game Commission, implementation of the Irrigated Lands Management Program, implementation of the Grazing Regulatory Action Plan (G.R.A.P.), California's new groundwater sustainability legislation, an illegal fire tax, the State of California's disregard of payment in lieu of taxes owed to many rural counties, in the excesses of the California EPA and CARB regulation more suited for urban standards, in property rights violations, in assaults upon Second Amendment rights, as well as disregard for other inalienable rights of the residents of Lassen County; and

**WHEREAS**, State and Federal Agencies, through aggressive regulation and by reinterpretation of long-established laws, have denied the County of Lassen, its businesses, and its residents, access to our most abundant natural resources and fishing grounds, causing untold harm to our economy, as well as to our health and public safety; and

**WHEREAS**, State and Federal Agencies have, through a process commonly known as "sue and settle", compromised longstanding principles and priorities of beneficial use and stewardship of our natural resources while sacrificing public process and open government; and

**WHEREAS**, many residents of the County of Lassen have expressed their frustration to the Board of Supervisor's regarding the excesses of state government; and the Lassen County Board of Supervisors joins in that frustration; and

**WHEREAS**, the Board of Supervisors also recognizes that there are times in our history when it is apparent that the political separation of one people from another has become necessary, both for the survival of the one, as well as the continued wellbeing of the other; and

**WHEREAS**, the Board of Supervisors recognizes that soon after California statehood, credible efforts were made to split the state, with 220 proposals by 1998, including the strong Jefferson State movement of 1941 and the election results of June 2, 1992, when citizens of 27 Counties by county advisory votes, voted in favor of splitting the State of California; and

**WHEREAS**, the Lassen County Board of Supervisors conditionally favors separating from the State of California and joining a new State of Jefferson; authority to join this effort to separate from the State of California would be granted subject to approval of the voters of Lassen County at the June 2016 primary election by way of advisory vote; and

**WHEREAS**, alternatively, if an effort in forming a new state is defeated, the Board of Supervisors of the County of Lassen would consider joining a credible legal challenge to the Reynolds case; that the majority in Reynolds disregarded, ignored, and otherwise by an act of judicial activism, refused to recognize the premise on which the 14<sup>th</sup> amendment was ratified by the several states, including California; that Associate Justice Harlan is correct in his dissent by concluding that, essentially, the majority is reading into the equal protection clause an interpretation which was specifically rejected during ratification debate; that the only way to reclaim the balance of power in the state house, if separation is denied, is to overturn the Reynolds decision.

**NOW, THEREFORE, IT IS HEREBY DECLARED** that the Lassen County Board of Supervisors hereby conditionally approves withdrawing Lassen County from the State of California and starting over by forming a new state which represents the needs, provides opportunity, and protects the rights, liberties, public health, and safety of the people of a new State of Jefferson; said approval to withdraw being conditioned upon the approval of the voters of Lassen County in the June 2016 primary election by advisory vote; and

**BE IT FURTHER DECLARED**, should the State of Jefferson come to fruition through the Article 4, Section 3 process the voters of Lassen County may be asked to vote for statehood, however the interim process is affirmed by Declaration and Petition, by the Lassen County Board of Supervisors, the elected representatives of the people, desirous of standing in the quest and process for remedy to lack of representation, in state government, on behalf of Lassen County; and

**BE IT FURTHER DECLARED** that, pursuant to the requirements of Section 3 of Article IV of the United States Constitution, the Lassen County Board of Supervisors requests that the California Legislature redress the above grievances and or approve the withdrawal from the State of California of the lands described below.

The boundaries of Lassen County are as follows:

Beginning at the southwest corner, on the northern line of Sierra, located on the south boundary of T. 22 N., R. 16 E., M. D. B. & M., at the corner common to Secs. 35 and 36, and running thence north two miles to the corner common to Secs. 23, 24, and 26, said township and range; thence east one mile to the east boundary of said township and range at the corner common to Secs. 24 and 25; thence north one mile to the west corner of Secs. 18 and 19, T. 22 N., R. 17 E., M. D. B. & M.; thence east one-half mile to the quarter section corner between said Secs. 18 and 19; thence north one mile to the quarter section corner between Secs. 7 and 18, said township and range; thence east one-half mile

to the corner common to Secs. 7, 8, 17, and 18, said township and range; thence north on the section lines to the south corner of Secs. 31 and 32, T. 23 N., R. 17 E., M. D. B. & M.; thence north six miles to the south corner of Secs. 31 and 32, T. 24 N., R. 17 E., M. D. B. & M.; thence east one-half mile; thence north two miles; thence west one-half mile; thence north two miles;

Thence west one mile, to the east corner of Secs. 12 and 13, T. 24 N., R. 16 E., M. D. B. & M.; thence north one-half mile to the quarter section corner on the east side of said Sec. 12; thence west one-half mile to the center of said Sec. 12; thence north one-half mile to the quarter section corner between Secs. 1 and 12, said township and range; thence west one-half mile to the corner common to Secs. 1, 2, 11, and 12, said township and range; thence north one-half mile to the quarter section corner between said Secs. 1 and 2; thence west one-half mile to the center of said Sec. 2; thence north one-half mile to the quarter section corner on north boundary of said Sec. 2; thence west on the township line one-half mile to the south corner of Secs. 34 and 35, T. 25 N., R. 16 E., M. D. B. & M.; thence north one mile to the corner common to Secs. 26, 27, 34, and 35, said township and range; thence west one-half mile to the quarter section corner between said Secs. 27 and 34; thence north one mile to the quarter section corner between Secs. 22 and 27, said township and range; thence west one-half mile to the corner common to Secs. 21, 22, 27, and 28, said township and range; thence north one mile to the corner common to Secs. 15, 16, 21, 22, said township and range; thence west one mile to the corner common to Secs. 16, 17, 20, and 21, said township and range;

Thence north two miles to the corner common to Secs. 4, 5, 8, and 9, said township and range; thence west one-half mile to the quarter section corner between said Secs. 5 and 8; thence north three miles to the corner common to Secs. 19, 20, 29, and 30, said township and range; thence west two miles to the corner common to Secs. 23, 24, 25, and 26, T. 26 N., R. 15 E., M. D. B. & M.; thence north one and one-half miles to the quarter section corner between Secs. 13 and 14, said township and range; thence west one mile to the quarter section corner between Secs. 14 and 15, said township and range; thence north one-half mile to the corner common to Secs. 10, 11, 14, and 15, said township and range; thence west four miles to the west corner of Secs. 7 and 18, said township and range; thence north, on the township line, one-half mile to the quarter section corner, on the east boundary of Sec. 12, T. 26 N., R. 14 E., M. D. B. & M.; thence west one mile to the quarter section corner between Secs. 11 and 12, said township and range; thence north one-half mile to the corner common to Secs. 1, 2, 11, and 12, said township and range; thence west one mile to the corner common to Secs. 2, 3, 10, and 11, said township and range; thence north three-quarters of a mile to the southwest corner of lot five in Sec. 2 and the southeast corner of lot seven in Sec. 3, said township and range; thence west one mile to the southwest corner of lot five in Sec. 3 and the southeast corner of lot seven in Sec. 4, said township and range;

Thence north one-half mile to the north corner of Secs. 3 and 4, said township and range; thence west on the township line one-half mile to the quarter section corner on the south boundary of Sec. 33, T. 27 N., R. 14 E., M. D. B. & M.; thence north one mile to the quarter section corner between Secs. 28 and 33, said township and range; thence west one-half mile to the corner common to Secs. 28, 29, 32, and 33, said township and range; thence north one-half mile to the quarter section corner between said Secs. 28 and 29; thence west one mile to the quarter section corner between Secs. 29 and 30, said township and range; thence north one-half mile to the corner common to Secs. 19, 20, 29, and 30, said township and range; thence west one-half mile to the quarter section corner between said Secs. 19 and 30; thence north one mile to the quarter section corner between Secs. 18 and 19, said township and range; thence west one-half mile to the west corner of said Secs. 18 and 19; thence north on the township line one mile to the east corner of Secs. 12 and 13, T. 27 N., R. 13 E., M. D. B. & M.; thence west one and one-half miles to the quarter section corner between Secs. 11 and 14, said township and range; thence north one mile to the quarter section corner between Secs. 2 and 11, said township and range;

Thence west one-half mile to the corner common to Secs. 2, 3, 10, and 11, said township and range; thence north one mile to the north corner of said Secs. 2 and 3; thence west on the township line one mile to the south corner of Secs. 23 and 34, T. 28 N., R. 13 E., M. D. B. & M.; thence north one mile to the corner common to Secs. 27, 28, 33, and 34, said township and range; thence west one mile to the corner common to Secs. 28, 29, 32, and 33, said township and range; thence north one-half mile to the

quarter section corner between said Secs. 28 and 29; thence west one mile to the quarter section corner between Secs. 29 and 30, said township and range; thence north one-half mile; thence west one and one-half miles to the quarter section corner between Secs. 24 and 25, T. 28 N., R. 12 E.; thence north one and one-half miles to the center of Sec. 13, said township and range; thence west two and one-half miles to the quarter section corner between Secs. 15 and 16, said township and range; thence north one-half mile to the corner common to Secs. 9, 10, 15, and 16, said township and range; thence west one mile to the corner common to Secs. 8, 9, 16, and 17, said township and range; thence north one-half mile to the quarter section corner between said Secs. 8 and 9; thence west one-half mile to the center of said Sec. 8; thence north one-half mile to the quarter section corner between Secs. 5 and 8, said township and range; thence west four miles to the quarter section corner between Secs. 3 and 10, T. 28 N., R. 11 E., M. D. B. & M.; thence north one-half mile to the center of said Sec. 3; thence west two miles to the center of Sec. 5, said township and range; thence south one-half mile to the quarter section corner between Secs. 5 and 8, said township and range;

Thence west one-half mile to the corner common to Secs. 5, 6, 7, and 8, said township and range; thence south one-half mile to the quarter section corner between said Secs. 7 and 8; thence west one mile, more or less, to the quarter section corner on the west boundary of said Sec. 7; thence south on the township line to the east corner of Secs. 13 and 24, T. 28 N., R. 10 E., M. D. B. & M.; thence west one mile to the corner common to Secs. 13, 14, 23, and 24, said township and range; thence south one-half mile to the quarter section corner between said Secs. 23 and 24; thence west one mile to the quarter section corner between Secs. 22 and 23, said township and range; thence south one mile to the quarter section corner between Secs. 26 and 27, said township and range; thence west one-half mile to the center of said Sec. 27; thence south one-half mile to the quarter section corner between Secs. 27 and 34, said township and range; thence west one-half mile to the corner common to Secs. 27, 28, 33, and 34, said township and range; thence south one-half mile to the quarter section corner between said Secs. 33 and 34; thence west one mile to the quarter section corner between Secs. 32 and 33, said township and range; thence south three miles to the quarter section corner between Secs. 16 and 17, T. 27 N., R. 10 E., M. D. B. & M.; thence west one mile to the quarter section corner between Secs. 17 and 18, said township and range; thence south one-half mile to the corner common to Secs. 17, 18, 19, and 20, said township and range;

Thence west two miles to the corner common to Secs. 13, 14, 23, and 24, T. 27 N., R. 9 E., M. D. B. & M.; thence north one mile to the corner common to Secs. 11, 12, 13, and 14, said township and range; thence west one mile to the corner common to Secs. 10, 11, 14, and 15, said township and range; thence north one mile to the corner common to Secs. 2, 3, 10, and 11, said township and range; thence west three miles to the corner common to Secs. 5, 6, 7, and 8, said township and range; thence north one mile to the section corner common to Secs. 31 and 32, T. 28 N., R. 9 E.; thence west on township line two miles to the south corner of Secs. 35 and 36, T. 28 N., R. 8 E., M. D. B. & M.; thence north one and one-half miles to the quarter section corner between Secs. 25 and 26, said township and range; thence west one mile to the quarter section corner between Secs. 26 and 27, said township and range; thence north 13 miles, more or less, to the quarter section corner between Secs. 22 and 23, T. 30 N., R. 8 E., M. D. B. & M.; thence west 14 miles, more or less, to the corner common to Shasta, Lassen and Plumas, said corner being the southeast corner of Shasta and situated in the west half of Sec. 21, T. 31 N., R. 6 E., M. D. B. & M.; thence north on the eastern line of Shasta to the southern line of Modoc marked by a rock mound, being the northwest corner of Lassen and the northeast corner of Shasta; thence east, along said line, to the eastern boundary of the State; thence south, along said state line, to the northeast corner of Sierra; thence west, along the line of Sierra, to the place of beginning; and

**BE IT FURTHER DECLARED**, that the Lassen County Board of Supervisors, desires, assuming an effort to separate from California pursuant to Section 3 of Article IV of the U.S. Constitution is unsuccessful, to join a challenge to the current form of apportionment of our state legislature through legal action challenging the Reynolds decision; that the Reynolds court interpretation of the 14<sup>th</sup> amendment is inconsistent with the premise upon which that amendment was ratified by the several states; that the residents of Lassen County have been harmed and disenfranchised as a direct result of this activist courts' unconstitutional decision.

**PASSED AND ADOPTED** by the Lassen County Board of Supervisors at a regular meeting of said Board held on the 17<sup>th</sup> day of March, 2015, by the following vote.

**AYES: Supervisors**  
**NOES: Supervisors**  
**ABSENT: Supervisors**

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Chairperson, Board of Supervisors

ATTEST:

JULIE BUSTAMANTE

Clerk of the Board

BY: \_\_\_\_\_

SUSAN OSGOOD, Deputy Clerk of the Board

I, SUSAN OSGOOD, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 17<sup>th</sup> day of March, 2015.

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Deputy Clerk of the County of Lassen

Board of Supervisors