

SECOND AMENDMENT SANTUARY REFERENDUM INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS AGREEMENT made this ____ day of _____, 2022, by, between and among:

the City of Altoona (hereinafter referred to as “City”);

the Blair County Boroughs of Bellwood, Duncansville, Hollidaysburg, Martinsburg, Newry, Roaring Spring, Tyrone and Williamsburg (hereinafter referred to as “Boroughs”);

the Blair County Townships of Allegheny, Antis, Blair, Catharine, Frankstown, Freedom, Greenfield, Huston, Juniata, Logan, North Woodbury, Snyder, Taylor, Tyrone, Woodbury (hereinafter referred to as “Townships”);

and the County of Blair (hereinafter referred to as “County”).

The City, Boroughs, Townships and the County will be referred to collectively herein as “Municipalities”.

WITNESSETH:

WHEREAS, electors of the Municipalities circulated petitions for referendums under the Election Code and obtained enough signatures pursuant to 53 Pa C.S.A. §2306, regarding intergovernmental cooperation agreements by referendum, asking the electors the following question:

Shall the [City, Borough, Township, County] enter into a municipal agreement with the County of Blair and any other Blair County municipalities passing a similar referendum to declare a Second Amendment Sanctuary, in which no taxpayer resources shall be used to enforce any legislation passed after November 2, 2021, that would infringe upon an eligible citizen’s right to bear arms?

WHEREAS, the electors in each of the Municipalities approved the referendums;

WHEREAS, the governing bodies of the City, Boroughs, Townships and the County have considered the approved referendum question, public comment prior to adoption of this intergovernmental cooperation agreement (hereinafter “agreement”), and the laws of the United States and the Commonwealth of Pennsylvania in crafting this agreement.

NOW THEREFORE, pursuant to 53 Pa C.S.A. §§2306, 2305 and 2307 and the approved questions in the referendums in each of the Municipalities, the Municipalities agree together as follows:

Section 1. The Municipalities support their citizens’ rights under the Second Amendment to the United States Constitution and Article I, Section 21 of the Pennsylvania Constitution, and oppose, within the lawful application of the Constitution of the United States and the Commonwealth of Pennsylvania, any efforts to unconstitutionally restrict such rights.

Section 2. The member municipalities agree that any new legislation passed after November 2, 2021 which tends to infringe on an eligible citizen's right to bear arms shall be presumed to infringe upon an eligible citizen's right to bear arms under this Intergovernmental Cooperation Agreement. An eligible citizen shall be defined as any citizen or legal resident who would not be prohibited from bearing arms under Federal and/or Pennsylvania law as of November 2, 2021. This section shall not offer any protection to an individual who, after November 2, 2021, becomes ineligible under the laws existing on November 2, 2021.

Section 3. No taxpayer resources of the Municipalities, whether jointly or severally, shall be used to enforce or defend any legislation passed after November 2, 2021, that would infringe upon an eligible citizen's right to bear arms.

Section 4. Upon passage of any legislation as referenced in Section 2, any otherwise eligible citizen affected by the legislation shall have standing to challenge the implementation of that legislation throughout Blair County by filing petition in the Blair County Court of Common Pleas for declaratory and or injunctive relief, and if such relief is granted, reasonable attorney's fees. Notice shall be given to the Blair County District Attorney, Blair County Solicitor, and the Solicitor of the Municipality of the affected citizen any or all of whom shall have standing as a party to the matter. The standard of review shall be plenary with deference to the presumption defined in Section 2. A ruling granting declaratory or injunctive relief shall be binding generally within Blair County.

Section 5. This agreement shall remain binding until such time that any election is held in the City, the Boroughs, Townships and/or the County in which a referendum is submitted to the electors seeking to terminate this agreement and that is approved by the electors, and then, this agreement shall only terminate as to those Municipalities in which the referendum seeking to terminate this agreement passes, but not the other Municipalities unless there is less than two Municipalities remaining.

Section 6. This agreement shall become effective upon execution by any two Municipalities and each time as any Municipalities execute this agreement thereafter.

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IN WITNESS WHEREOF, the municipality set forth below hereby enters into this Agreement, intending to be legally bound hereby.

[MUNICIPALITY]

ATTEST:

Secretary

IN WITNESS WHEREOF, the County of Blair hereby enters into this Agreement, intending to be legally bound hereby.

COUNTY OF BLAIR

ATTEST:

Nicole M. Hemminger, Chief Clerk

Bruce R. Erb, President

Laura O. Burke, Vice President

Amy E. Webster, Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE _____, PENNSYLVANIA APPROVING AN INTERGOVERNMENTAL COOPERATION AGREEMENT PURSUANT TO A REFERENDUM QUESTION APPROVAL UNDER 53 Pa C.S.A. §2306 DECLARING _____ A SECOND AMENDMENT SANCTUARY IN THE MUNICIPALITY AND PROHIBITING THE USE OF TAXPAYER RESOURCES TO ENFORCE ANY LEGISLATION PASSED AFTER NOVEMBER 2, 2021, THAT WOULD INFRINGE UPON AN ELIGIBLE CITIZEN'S RIGHT TO BEAR ARMS

The [INSERT FORM OF GOVERNING BODY] of the [INSERT MUNICIPALITY] (hereinafter "Municipality") hereby resolves as follows:

SECTION 1. AUTHORITY.

The Municipality is required to enter into this agreement by virtue of an approved referendum under 53 Pa.C.S.A. §2306. The agreement is drafted to be consistent with 53 Pa.C.S.A. §2307 and be approved by this resolution as required by 53 Pa.C.S.A. §2305.

SECTION 2. INCORPORATION OF AGREEMENT.

This resolution incorporates the agreement as if fully set forth at length herein without further repetition or elaboration with the intent of the attachment and incorporation of said agreement into this resolution being to satisfy 53 Pa.C.S.A. §2307.

SECTION 3. APPROVAL and EXECUTION.

The agreement attached hereto is hereby approved by the Municipality. After approval of this resolution, the Agreement shall be signed by the [Chairman/President] and attested by the [Secretary/Chief Clerk] of the Municipality, and the corporate seal of the Municipality shall be applied and affixed to the Agreement.

DULY, adopted by the _____ of the _____, Pennsylvania this ___ day of _____, 2022.