

RESOLUTION NO. 6
(Series of 2012)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO, ON THE ISSUE OF CORPORATE PERSONHOOD AND SUPPORTING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO ABOLISH CONSTITUTIONAL RIGHTS AND PROTECTIONS TO CORPORATIONS OR OTHER LEGAL ENTITIES OF ANY FORM OR CREATION

WHEREAS, Corporate Personhood is defined as the status conferred upon corporations, under either State or Federal laws, permitting corporations to enjoy certain legal rights and responsibilities similar to those of a natural person; and

WHEREAS, the origin of the legal doctrine of Corporate Personhood goes back hundreds of years to several United States Supreme Court opinions that have found, among others rights, that corporate entities have the right to sue and to be sued and are entitled to protections under the 1st and 14th Amendments to the United States Constitution; and

WHEREAS, the Recent 2002 Bipartisan Campaign Reform Act of 2002 (“BCRA” also known as the “McCain-Feingold” law) prohibited corporations and unions from using general treasury funds to make direct contributions to candidates or independent expenditures that expressly advocate the election or defeat of a candidate, through any form of media, in connection with certain qualified federal elections; and

WHEREAS, in a recent legal challenge to the provisions of the McCain-Feingold law that culminated with a United States Supreme opinion known as Citizens United v. F.E.C., 130 S.Ct. 876 (2010), the United States Supreme Court recognized that “First Amendment protection extends to corporations” and that the above-mentioned provisions of McCain-Feingold law prohibiting corporate independent expenditures is viewed as an absolute “ban on speech”, which ban violates the First Amendment to the United States Constitution; and

WHEREAS, the Town of Telluride wishes to join other governmental entities across the United States of America who have taken a position on the Citizens United ruling and the role of corporate and union expenditures for political speech in the election and decisionmaking process.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section One

The Recitals of this Resolution, as set forth above, are hereby incorporated into this Resolution as Town Council findings of fact and conclusions of law.

Section Two

1. Only human beings, not corporations or other legal entities of any form or creation, are entitled to constitutional rights and protections; and
2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech; and
3. The Town of Telluride supports an Amendment to the United States Constitution consistent with the above-stated positions in this Resolution regarding Corporate Personhood; and

4. Nothing contained in this Resolution, or in a subsequent Amendment to the United States Constitution, should be construed to abridge the freedom of the press.

RESOLVED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO on the 3rd day of April, 2012.

TOWN OF TELLURIDE

ATTEST



Stuart Fraser, Mayor



Mary Jo Schillaci, Town Clerk

APPROVED AS TO FORM:



Kevin J. Geiger, Town Attorney

STATE OF COLORADO)
)
 COUNTY OF SAN MIGUEL) ss.
)
 TOWN OF TELLURIDE)

I, Mary Jo Schillaci, the Town Clerk of the Town of Telluride, Colorado (the "Town"), do hereby certify:

(i) The foregoing pages are a true and correct copy of a Resolution (the "Resolution") passed and adopted by the Town Council (the "Council") of the Town at a regular meeting of the Council held on April 3, 2012.

(ii) The Resolution was duly moved and seconded and the Resolution was adopted at the Town Council meeting of April 3, 2012, by an affirmative vote of a majority of the members of the Council as follows:

| Name | "Yes" | "No" | Absent | Abstain |
|-----------------------------|-------|------|--------|---------|
| Stuart Fraser, Mayor | ✓ | | | |
| Bob Saunders, Mayor Pro-Tem | ✓ | | | |
| Thom Carnevale | ✓ | | | |
| Kristen Permakoff | ✓ | | | |
| Brian Werner | ✓ | | | |
| Chris Myers | ✓ | | | |
| Ann Brady | ✓ | | | |

(iii) The Resolution was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

(iv) There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Resolution.

(v) The members of the Council were present at the meeting and affirmatively voted by a majority for the passage of such Resolution as set forth above.

(SEAL)


 Town Clerk