

RESOLUTION
OF THE
CALHOUN COUNTY COMMISSION
PROHIBITING HAVING WEAPONS IN
THE KEN JOINER CALHOUN COUNTY ADMINISTRATION BUILDING
AND
PERMITTING THE POSTING OF SIGNS TO PROHIBIT HAVING WEAPONS IN
THE KEN JOINER CALHOUN COUNTY ADMINISTRATION BUILDING

WHEREAS, § 11-14-2, Code of Alabama 1975, as amended, in part provides that “[t]he **county commission shall have control of all property belonging to the county . . .**” (Emphasis added); and

WHEREAS, § 11-3-11, Code of Alabama 1975, as amended, in part provides that “[t]he **county commission shall have authority . . . [t]o direct, control, and maintain the property of the county** as it may deem expedient according to law . . .” (Emphasis added); and

WHEREAS, § 11-14-9, Code of Alabama 1975, as amended, provides that “[t]he **county commission has charge of the courthouse** and the sheriff, at the direction of the county commission, must prevent trespasses, and keep out intruders.” (Emphasis added); and

WHEREAS, § 36-22-3, Code of Alabama 1975, in part provides that “[i]t shall be the duty of the sheriff . . . [t]o attend upon the circuit courts and district courts held in his county when in session and the courts of probate, when required by the judge of probate, and to obey the lawful orders and directions of such courts.”; and

WHEREAS, Calhoun County is one of the sixty-seven (67) counties in the state of Alabama, § 11-1-1, Code of Alabama 1975, and is not an incorporated municipality; and

WHEREAS, the Calhoun County Commission is authorized pursuant to § 11-14-2, and § 11-3-11, *supra*, to control property of Calhoun County, and pursuant to § 11-14-9, *supra*, has control of the Courthouse; and

WHEREAS, the Ken Joiner Calhoun County Administration Building (sometimes herein referred to as the “Building”) is owned by Calhoun County, and the location of the Probate Court of Calhoun County, the offices of the Calhoun County Revenue Commissioner, the offices of the Calhoun County License Commissioner, the offices of Veterans Affairs, the offices of the State of Alabama Examiners of Public Accounts, the offices of the Board of Registrars, the offices of the Alabama Cooperative Extension System, the offices of the Calhoun County Commission, the office of the Honorable Barbara Boyd, Representative to the Alabama House of Representatives, and the office of the Calhoun County Civil Service Board; and

WHEREAS, the Building was on April 11, 1991, and again on June 24, 1999, designated a Courthouse Annex by the Calhoun County Commission, the governing body of Calhoun County, Alabama; and

WHEREAS, the Building, in which the Probate Court facilities, and various offices listed above are located, has inadequate internal separations of the Building to prevent someone from going from another part of the Building to the Probate Court facilities or locations in the Building where hearings before the Calhoun County Probate Judge are held, including, but not limited to, incompetency or commitment hearings, and the internal separations of the Building are not adequate to, once someone is in the Building, prevent the person from having access to where or the vicinity of where certain of the employee disciplinary and termination hearings are held; and

WHEREAS, the Calhoun County Commissioners are concerned about the presence of weapons, as defined herein below in Section 2, in the Building and the threat that such presence will pose to the health, safety, and general welfare of citizens, employees and officials; and

WHEREAS, among the specific reasons for the concerns of the Calhoun County Commissioners and reasons for this resolution are that for incompetency or commitment hearings in the Probate Court the person involved is with some degree of frequency potentially violent or dangerous to himself or others; in addition the Probate Court, the offices of Revenue Commissioner, and offices of the License Commissioner each have money which is subject to being stolen or what is taken in a robbery; additionally personnel of one office were the subject of a threat of bodily harm by a person, apparently in need of mental care, that was being served by personnel of the office; further employee disciplinary matters including matters involving termination of employment cause the need for heightened caution; also purses of employees have been taken and in at least one of the thefts of a purse it was determined with certainty from a security camera picture that the culprit was from outside the Building; and further a police officer was murdered in the vicinity of the Building causing concern that the culprit, who used a handgun, would while fleeing attempt to hide in the Building; and the concerns of the Calhoun County Commissioners and reasons for this resolution are also the result of the assaults or murders that have occurred in courts or other public buildings or workplaces elsewhere in Alabama and in other places; and

WHEREAS, Calhoun County desires to prohibit the possession or carrying of weapons in the Building; and

WHEREAS, Calhoun County desires to provide for the posting of said prohibition on and in the Building as provided herein and determined by the County Administrator;

NOW, THEREFORE, BE IT RESOLVED by the Calhoun County Commission that:

Section 1. Prohibition Possession and/or carrying of weapons, as they are defined herein below in Section 2, in the Building is prohibited.

Section 2. Weapon The term and word "weapon" refers to and as used herein means a firearm or anything manifestly designed, made, or adapted for the purposes of causing death or inflicting serious physical injury, and such term includes, but is not limited to, a hand grenade, missile, or explosive or incendiary device; a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any club, baton, billy, black-jack, bludgeon, or metal knuckles or any other items that could be used to kill, incapacitate or injure persons, or reasonably cause fear

of the same.

Section 3. Posting of Signs Required The County Administrator or his or her designee is hereby directed and ordered to post appropriate signage on the Building indicating that the possession and/or carrying of weapons is prohibited in the Building. A warning sign shall be posted to public entrances to the Building covered by this order stating or stating to the effect that: "NOTICE! No firearms, knives, or other weapons are permitted in this building by order of the Calhoun County Probate Judge, and by resolution of the Calhoun County Commission. All persons, belongings and parcels are subject to search as a condition of entry. Violators may be detained, may be subject to being punished for contempt by the Calhoun County Probate Court, may be subject to being punished for contempt by the Calhoun County Commission, and may face civil or criminal actions, including, but not limited to, that violators may be subject to being charged with and prosecuted for violation of laws concerning trespass or other criminal violations." Due to similar actions being taken by the Calhoun County Probate Judge and the Calhoun County Commission a joint notice of the Calhoun County Probate Judge and the Calhoun County Commission the same as or similar to the notice herein provided may be used and posted by the County Administrator or his or her designee.

Section 4. Location of Signs Signs prohibiting the possession and/or carrying of weapons shall be posted so as to be visible prior to entering the Building. The County Administrator shall exercise discretion in determining the necessity and appropriate location for other signs posted on the exterior and/or interior of the Building.

Section 5. Exemptions This resolution shall not apply to the following:

- A. Officers and enlisted personnel of the armed forces of the United States of America when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons;
- B. Civil officers of the United States of America while in the discharge of their official duties;
- C. Officers and Soldiers of the militia and the National Guard when called into actual service;
- D. Officers of the State, or of any county, city, or town charged with the execution of the laws of the State, when acting in the discharge of their official duties;
- E. Sworn law enforcement officers; and
- F. On-duty Building security personnel;

provided however, that such persons shall not possess any weapons while they are in the Building for the purpose of participating as a party to any court proceeding.

The County Administrator of Calhoun County may, in the County Administrator's discretion, grant a written exception to this policy to a specific person. The County Administrator may, in the County Administrator's discretion, revoke an exception at any time. Further, exceptions will expire when the issuing County Administrator is no longer the County Administrator of Calhoun County. Copies of any exceptions made shall be maintained by Building security staff, and be available to the Calhoun County Probate Court Judge, the Sheriff of Calhoun County, the Calhoun County License Commissioner, the Calhoun County Revenue Commissioner, the head of the Veterans Affairs Office, the Chairman of the Calhoun County Commission, and the County Administrator.

Section 6. Violations Persons violating any part of this resolution may be detained, may be subject to being punished for contempt by the Calhoun County Commission, and may face civil or criminal actions, including, but not limited to that violators may be subject to being charged with and prosecuted for violation of laws concerning trespass or other criminal violations.

Section 7. Repeal of Conflicting Resolutions All resolutions or any part of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 8. Change The Calhoun County Commission reserves the right and shall have the right to change this policy from time to time.

Section 9. Severability If this resolution or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect other provisions or applications of the resolution which can be given separate effect, and to that end the provisions of this resolution are declared severable.


This resolution shall be effective immediately upon it being adopted by the Calhoun County Commission and will be effective after the time of its of adoption.

Adopted on October 11, 2012, at 10:00 AM, Central Time.

I, Kenneth L. Joiner, County Administrator/Treasurer of Calhoun County, Alabama, hereby certify that the above is a true and correct copy of a resolution adopted by the Calhoun County Commission at its regular, duly called meeting on Thursday, October 11, 2012, at which a quorum was present, and all Commissioners at the meeting voted in favor of the resolution.

Done this 11th day of October, 2012.

(SEAL)


Kenneth L. Joiner,
Administrator/Treasurer of
Calhoun County, Alabama