

**CITY OF ESPAÑOLA
RESOLUTION 2019-07**

Sponsored by: Councilor Justin-Salazar Torrez

**A RESOLUTION DECLARING CITY OF ESPAÑOLA TO BE A SECOND
AMENDMENT SANCTUARY CITY**

WHEREAS, the Governing Body of the City of Española met in a Regular City Council Meeting on February 26, 2019 at 6:00p.m. at 405 North Paseo de Oñate, New Mexico 87532; and

WHEREAS, NMSA 1978, Section 3-18-1 (F) (G) The municipality has the power to "protect generally the property of its municipality and its inhabitants" and to "preserve peace and order within the municipality."; and

WHEREAS, NMSA, 1978, Section 3-17-1B (A) The governing body of a municipality may adopt ordinances or resolutions not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the Supreme Court in the District of Columbia v. Heller 554 U.S. 570 (2008), decision affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the Supreme Court, in United States v. Miller, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense, are protected by the Second Amendment; and

WHEREAS, Article II, Section 6 of the Constitution of New Mexico provides that "[n]o law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No

municipality or county shall regulate, in any way, an incident of the right to keep and bear arms;" and

WHEREAS, it is the desire of the Governing Body to declare its support of the Second Amendment to the United States Constitution and the New Mexico Constitution protecting citizens' inalienable and individual right to keep and bear arms; and

WHEREAS, the members of this Governing Body took an oath to support and defend the United States Constitution, the Constitution of the State of New Mexico and the laws of the State of New Mexico (insofar as they are constitutional).

NOW, THEREFORE BE IT RESOLVED by the authority granted Governing Body of the City of Española by the laws of the State of New Mexico and people of City of Española, New Mexico to stand and defend their rights and liberties, which are guaranteed by the United States and New Mexico Constitutions, we hereby declare this Resolution as follows:

Second Amendment Preservation Resolution Designating City of Española a
Second Amendment "Sanctuary City"

BE IT FURTHER RESOLVED that this Governing Body affirms its support for the duly appointed Director of Public Safety Chief of City of Española, New Mexico in the exercise of his sound discretion and affirms its resolve to support decisions by our Director of Public Safety Chief to not enforce any unconstitutional firearms law against any citizen.

BE IT FURTHER RESOLVED that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing a law that unconstitutionally infringes on the right of the people to keep and bear arms.

PASSED, ADOPTED AND APPROVED by the Governing Body of the City of Española this 26th of February, 2019.



Javier E. Sánchez, Mayor

ATTEST:



Melissa R. Velasquez, City Clerk

