



SPECIAL

AGENDA
Carlsbad City Council Special Meeting
Municipal Annex
114 S. Halagueno Street
Carlsbad, New Mexico

March 21, 2019 at 4:00 p.m.

Invocation – Pledge of Allegiance

1. Approval of Agenda
2. Consider Approval of Resolution 2019-09, a Resolution declaring the City of Carlsbad, New Mexico to be a Second Amendment Sanctuary City
3. Adjourn



FOR INFORMATION ONLY

Agendas and City Council minutes are available on the City web site:
cityofcarlsbadnm.com or may be viewed in the Office of the City Clerk during
normal and regular business hours.

CARLSBAD CITY COUNCIL MEETING SCHEDULE

- Regular meeting - Tuesday, March 26, 2019 at 6:00 p.m.
- Regular meeting - Tuesday, April 9, 2019 at 6:00 p.m.

If you require hearing interpreter, language interpreters or auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's office at (575) 887-1191 at least 48 hours prior to the scheduled meeting time.

RESOLUTION NO. 2019-09

A RESOLUTION DECLARING CITY OF CARLSBAD A SECOND AMENDMENT SANCTUARY CITY

WHEREAS, the city of Carlsbad City Council met in a Special Meeting on March 21, 2019 at 4:00 pm at 114 S. Halagueno in Carlsbad, New Mexico; and

WHEREAS, NMSA 1978, Section 3-18-1 (1965) provides that cities shall “protect generally the property of the municipality and its inhabitants and to preserve peace and order in the municipality;” 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), stated 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, the members of this council 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); and

WHEREAS, this Council 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.

NOW, THEREFORE, BE IT RESOLVED, by the City of Carlsbad City Council, by the authority granted to the Council by the laws of the State of New Mexico and the people of the City of Carlsbad, 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:

City of Carlsbad a Second Amendment Sanctuary City

PASSED, SIGNED, APPROVED AND ADOPTED this 21st day of March, 2019.

SEAL

Attest:

Nadine Mireles, City Clerk

Dale Janway, Mayor

ADJOURN