

RESOLUTION NO. R2020-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AFFIRMING THE YUMA CITIZEN'S CONSTITUTIONAL RIGHTS AND LIBERTIES

WHEREAS, the United States Constitution and the Constitution of the State of Arizona guarantee the people certain inalienable rights and liberties; and,

WHEREAS, the Mayor and City Councilmembers of Yuma, Arizona have taken an oath to uphold the United States Constitution and the Constitution of the State of Arizona including all the rights and liberties guaranteed; and,

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

WHEREAS, the Second Amendment to the Constitution of the United States reads, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."; and,

WHEREAS, the United States Supreme Court, in District of Columbia v. Heller, 554 U.S. 570 (2008), 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 United States 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 and therefore applicable against the several states of the United 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 whose use could contribute to the common defense, are protected by the Second Amendment; and,

WHEREAS, Article II, section 26, Constitution of Arizona, provides that "[t]he right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men" and

WHEREAS, the members of this City Council took an oath to support and defend the Constitution of the United States and the Constitution and Laws of the State of Arizona, and it is appropriate and fitting that we reaffirm our commitment to that oath.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma, Arizona:

SECTION 1: That the Members of the City Council reaffirm their commitment to support and defend the rights and liberties of the citizens of Yuma, Arizona as guaranteed by the Constitution

of the United States and the Constitution of Arizona, including the right to keep and bear arms as guaranteed by the Second Amendment to the Constitution of the United States and Article II, section 26 of the Constitution of Arizona.

SECTION 2: That the Members of the City Council encourage all citizens of Yuma, Arizona to support and defend their right to keep and bear arms as guaranteed by the Constitutions of the United States and the State of Arizona.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney