

**Mayor**  
William Siegel  
**Mayor Pro Tem**  
Lois Wynne  
**Council Members**  
John Gordon  
Eddie Neal  
Willard Rodarmel



**Office of the  
City Manager**

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## Staff Report

ITEM 3H

**To:** Lemoore City Council  
**From:** Judy Holwell, Project Manager   
**Date:** September 13, 2013  
**Subject:** Support for the Second Amendment and  
Opposition to Any Legislation Infringing on Such Rights

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### Discussion

During the December 18, 2012 Council Meeting, Council Member Rodarmel requested that an item be placed on a future agenda to consider a resolution in support of the Second Amendment to the United States Constitution. Subsequently, Resolution No. 2013-01 was adopted by Council on February 5, 2013. Mr. Rodarmel would like the Resolution to be sent to Governor Brown declaring Council's support for the Second Amendment and opposing any legislation that would infringe upon such rights.

The Second Amendment was adopted on December 15, 1791 as part of the Bill of Rights and the original hand-written document, which is on display at the National Archives in Washington D.C., reads as follows:

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.

The purpose of the Second Amendment is to protect the right of the people to possess and carry firearms. This interpretation was established by two landmark Supreme Court decisions. In 2008, District of Columbia v. Heller, the Court ruled that the Second Amendment protects an individual's right to possess a firearm, unconnected to service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home. However, the ruling was silent as to whether the law pertains to the States. In 2010, McDonald v. Chicago, the Court ruled that the Second Amendment applies equally to the States and Federal Government. The following link provides commentary on the background leading to the Second Amendment, the Court cases, definitions, etc. [http://en.wikipedia.org/wiki/Second\\_Amendment\\_to\\_the\\_United\\_States\\_Constitution](http://en.wikipedia.org/wiki/Second_Amendment_to_the_United_States_Constitution).

Attached is Resolution No. 2013-01, which supports the Second Amendment and the rights of our citizens to keep and bear firearms for the defense of life, liberty, and property as intended by the Founding Fathers of the United States of America, and

which opposes any action that infringes upon the rights listed. For many, the ownership of firearms also provides for the personal enjoyment of target practice, competitions, hunting, and collecting of guns.

Also attached is a letter written by U.S. Marine Joshua Boston to Senator Dianne Feinstein opposing gun control, and news reports and a letter from Fresno County Sheriff, Margaret Mims, to the White House expressing her opposition to “useless gun control legislation.”

The following Bills will have a negative effect on our citizenry and Mr. Rodarmel is requesting that our letter to Governor Brown request his VETO power.

<b>Senate Bills to OPPOSE</b>	<b>Assembly Bills to OPPOSE</b>
SB 47 - Senator Leland Yee	AB 48 - Assembly Member Nancy Skinner
SB 108 - Senator Leland Yee	AB 169 - Assembly Member Roger Dickinson
SB 293 - Senator Mark DeSaulnier	AB 170 - Assembly Member Steven Bradford
SB 299 - Senator Mark DeSaulnier	AB 180 - Assembly Member Rob Bonta
SB 374 - Senate Pro Tem Darrell Steinberg	AB 231 - Assembly Member Philip Y. Ting
SB 475 - Senator Mark Leno	AB 500 - Assembly Member Tom Ammiano
SB 567 - Senator Hannah Beth Jackson	AB 711 - Assembly Member Anthony Rendon
SB 683 - Senator Marty Block	AB 1131 - Assembly Member Nancy Skinner
SB 755 - Senator Lois Wolk	

**Budget Impact**

None.

**Recommendation**

Approve sending Resolution No. 2013-01 to Governor Brown declaring Council’s support for the Second Amendment and opposing any legislation that would infringe upon the rights of the citizens of the State of California to keep and bear arms for legal endeavors, and requesting he veto the Bills listed in the table listed above.

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September 18, 2013

Governor Jerry Brown  
 State Capitol Building, Suite 1173  
 Sacramento, CA 95814

**SUBJECT: Opposition to Any Legislation Infringing on the  
 Rights Established in the Second Amendment**

Honorable Governor Brown:

On February 5, 2013, the Lemoore City Council adopted Resolution No. 2013-01 acknowledging their support for the Second Amendment to the United States Constitution and opposition to any action that would infringe upon such rights. During last night's Council Meeting, Council once again voiced its opinion and continues to support the rights of our citizenry. Many of the Bills awaiting your signature will criminalize and punish our law-abiding citizens, but will do nothing to stop violent criminals. **Therefore, we respectfully request that you VETO the following Bills:**

Senate Bills to OPPOSE	Assembly Bills to OPPOSE
SB 47 - Senator Leland Yee	AB 48 - Assembly Member Nancy Skinner
SB 108 - Senator Leland Yee	AB 169 - Assembly Member Roger Dickinson
SB 293 - Senator Mark DeSaulnier	AB 170 - Assembly Member Steven Bradford
SB 299 - Senator Mark DeSaulnier	AB 180 - Assembly Member Rob Bonta
SB 374 - Senate Pro Tem Darrell Steinberg	AB 231 - Assembly Member Philip Y. Ting
SB 475 - Senator Mark Leno	AB 500 - Assembly Member Tom Ammiano
SB 567 - Senator Hannah Beth Jackson	AB 711 - Assembly Member Anthony Rendon
SB 683 - Senator Marty Block	AB 1131 - Assembly Member Nancy Skinner
SB 755 - Senator Lois Wolk	

The purpose of the Second Amendment is to protect the right of the people to possess and carry firearms. This interpretation was established by two landmark Supreme Court decisions. In 2008, District of Columbia v. Heller, the Court ruled that the Second Amendment protects an individual's right to possess a firearm, unconnected to service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home. In 2010, McDonald v. Chicago, the Court ruled that the Second Amendment applies equally to the States and the Federal Government.

The Second Amendment was adopted on December 15, 1791 as part of the Bill of Rights and the original hand-written document, which is on display at the National Archives in Washington D.C., reads as follows:

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.

Attached is Resolution No. 2013-01 of the City Council of the City of Lemoore, which supports the Second Amendment and the rights of our citizens to keep and bear firearms for the defense of life, liberty, and property as intended by the Founding Fathers of the United States of America, and which opposes any action that infringes upon the rights. **The City Council of the City of Lemoore implores you to VETO any legislation that infringes upon the rights established in the Second Amendment, and specifically, the Bills identified in this letter.**

Sincerely,

William M. Siegel, Jr.  
Mayor

RESOLUTION NO. 2013 – 01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE  
ACKNOWLEDGING SUPPORT FOR THE SECOND AMENDMENT  
TO THE UNITED STATES CONSTITUTION AND  
OPPOSITION TO ANY ACTIONS INFRINGING ON SUCH RIGHTS

At a Regular Meeting of the Lemoore City Council, duly called and held on February 5, 2013, at 7:30 p.m. on said day, it was moved by Council Member RODARMEL, seconded by Council Member SIEGEL, and carried, that the following Resolution be adopted:

WHEREAS, the Second Amendment to the United States Constitution declares that “the right of the people to keep and bear Arms, shall not be infringed;” and

WHEREAS, the Second Amendment is one of ten original amendments to the United States Constitution and collectively they are known as the Bill of Rights; and

WHEREAS, all ten amendments in the Bill of Rights set limits on government actions for the purpose of protecting individual freedoms of life, liberty and property; and

WHEREAS, the Supreme Court of the United States ruled in the case of District of Columbia v. Heller (2008) that the right to keep and bear arms is an individual right that existed before the Constitution and that the right “belongs to all Americans;” and

WHEREAS, the Supreme Court confirmed in the case of McDonald v. City of Chicago (2010) that the right to keep and bear arms is a fundamental right, which applies equally to the Federal Government and the States; and

WHEREAS, the United States Congress and the President of the United States of America are considering altering the freedoms granted by the Founding Fathers to the American people as set forth in the Second Amendment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lemoore supports the rights of its citizens to keep and bear arms for the defense of life, liberty, and property as intended by the Founding Fathers of the United States of America, and for the personal enjoyment of all lawful uses such as target practice, competitions, hunting, and collecting; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lemoore opposes any such action by the California State Legislature, the United States Congress, or the President of the United States of America that would infringe upon the rights of its citizens to keep and bear arms for legal endeavors.

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Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 5<sup>th</sup> day of February, 2013 by the following vote:

AYES: RODARMEL, WYNNE, SIEGEL

NOES: GORDON, NEAL

ABSTAINING:

ABSENT:

APPROVED:

  
\_\_\_\_\_  
William M. Siegel, Jr., Mayor

ATTEST:

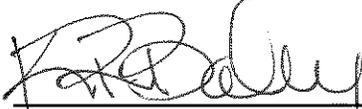
  
\_\_\_\_\_  
Kristie R. Baley, City Clerk

CERTIFICATE

STATE OF CALIFORNIA)  
COUNTY OF KINGS        ) ss.  
CITY OF LEMOORE         )

I, Kristie R. Baley, City Clerk of the City of Lemoore, do hereby certify the forgoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on February 5, 2013.

DATED: February 5, 2013

  
\_\_\_\_\_  
Kristie R. Baley, City Clerk

## 'No ma'am': Letter from U.S. Marine to Dianne Feinstein goes viral

JANUARY 1, 2013 BY [MICHELE KIRK](#) 546 COMMENTS



The following **open letter**, written by U.S. Marine **Joshua Boston** and headlined "No ma'am.," was posted in the CNN iReport on Dec. 27 with the included note from the producer and photo. It has struck a nerve with many and is being circulated around social media venues like Twitter and Facebook.

*CNN PRODUCER NOTE: joshdb50 was a Marine and was deployed to Afghanistan between the years of 2004 through 2005. Although he is no longer in the military he acknowledges that he owns gun. He says he does not believe the government needs to know what guns he owns because he believes registration would lead to confiscation. He says the laws that are in place for gun control are plenty, and adding more laws will remove a means of defense for people. 'I own the guns I own because I acknowledge mankind's shortcomings instead of pretending like they don't exist. There are evil men in this world and there just may be a time when I need to do the unthinkable to protect me or my family,' he said.*

*- Jareen, CNN iReport producer*

**Senator Dianne Feinstein,**

**I will not register my weapons should this bill be passed, as I do not believe it is the government's right to know what I own. Nor do I think it prudent to tell you what I own so that it may be taken from me by a group of people who enjoy armed protection yet decry me having the same a crime. You ma'am have overstepped a line that is not your domain. I am a Marine Corps Veteran of 8 years, and I will not have some woman who proclaims the evil of an inanimate object, yet carries one, tell me I may not have one.**

**I am not your subject. I am the man who keeps you free. I am not your servant. I am the person whom you serve. I am not your peasant. I am the flesh and blood of America.**

**I am the man who fought for my country. I am the man who learned. I am an American. You will not tell me that I must register my semi-automatic AR-15 because of the actions of some evil man.**

**I will not be disarmed to suit the fear that has been established by the media and your misinformation campaign against the American public.**

**We, the people, deserve better than you.**

**Respectfully Submitted,**

**Joshua Boston**

**Cpl, United States Marine Corps**

**2004-2012**

# Sheriff Margaret Mims addresses gun control

Thursday, January 17, 2013

FRESNO, Calif. (KFSN) -- Fresno County's top law enforcer says she's standing with sheriff's across the country- many of whom are coming forward, saying they won't enforce federal gun laws. This comes on the heels of President Obama's new gun violence prevention proposal. 23 executive orders are aimed at gun control.

Sheriff Margaret Mims says there's been a steady increase in concealed carry licenses, ever since the President's re-election in November. In order to handle the demand, the Fresno County Sheriff's Office will now feature online applications on it's website. However, local gun dealers can't keep up with the demand.

Jacob Belemjian says there's a substantial weapons shortage. He manages "The Firing Line" indoor shooting range and gun store in Clovis. He told Action News, "There is not a firearm to be ordered in the distributors are out, the manufacturers are out and they're making guns as fast as they can but customers came in and bought everything that was available to be bought." He also says customers are hoarding ammunition, even buying things they don't need, out of political fear. "People are freaked out that Washington and state government will allow, ban or confiscate... some of their freedoms will be taken away."

Belemjian says a majority of the buyers are first time gun owners, or people who haven't bought weapons in a long time. The President's proposal includes a ban on assault weapons, capping magazine clip capacity, orders to make more federal data available for background checks, and bringing back government research for gun violence.

Mims told Action News she will not enforce any gun control that she sees as unconstitutional, and won't infringe upon the right to bear arms. It's a sentiment that Belemjian echoes. "We don't need any more laws. Laws only work on people who obey the law."

The Sheriff says she does support a few aspects of the President's proposal. She backs the added funding for local law enforcement, especially in schools.

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## **Fresno County Sheriff Says "No" To "Useless" Gun Control**

*Jan 18, 2013*

By Monty Torres

FRESNO COUNTY, Calif. (KMPH)

Two days after President Obama announced how he wants to fight gun violence in America, Fresno County Sheriff Margaret Mims let the White House know what she will not do when it comes to gun control in Fresno County.

In a letter released Friday addressed to Vice President Joe Biden, Mims stated that she is a firm believer in the right of "law abiding citizens to own, possess, keep and bear firearms."

Mims also wrote that she will not take firearms from these citizens by enforcing "useless gun control legislation".

Wednesday, President Obama unveiled 23 executive orders and proposed legislation to push what some are calling the most sweeping gun control plan in American history.



Margaret Mims  
Sheriff  
Fresno County Sheriff's Office

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January 18, 2013

Vice President Joe Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20501

Dear Mr. Vice President:

As Sheriff of Fresno County, California, I have been elected twice and have sworn an oath to protect and defend the Constitution of the United States and the Constitution of the State of California. I first raised my right hand and swore that oath over 33 years ago and have continuously worked as a peace officer in Fresno County ever since that day in January, 1980 upholding that oath.

In accordance with the Second Amendment of the Constitution of the United States, I firmly believe that law abiding citizens have the right to own, possess, keep, and bear firearms. I will not take firearms from these citizens and will not turn law abiding citizens into criminals by enforcing useless gun control legislation.

We must not allow the actions of a few cowards who are bent on evil to promote any laws that will infringe upon the constitutional liberties of responsible citizens who have broken no laws.

I cannot and will not stand idly by and allow unconstitutional actions to infringe upon the rights of my law abiding citizens in Fresno County.

Sincerely,

Margaret Mims, Sheriff

*Dedicated to Protect & Serve*

Law Enforcement Administration Building / 2200 Fresno Street / P.O. Box 1788 / Fresno, California 93717 / (559) 600-8800

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