



CIBOLA COUNTY

BOARD OF COUNTY COMMISSIONERS

RESOLUTION No 2023-46

**OPPOSING THE NEW MEXICO GOVERNOR'S UNILATERAL SUSPENSION OF THE STATUTORY AND CONSTITUTIONAL CIVIL RIGHTS OF NEW MEXICANS**

**WHEREAS**, the Board of County Commissioners of Cibola County, met at its regular commission meeting on September 20, 2023, at 12:00 P.M. in the Cibola County Administration Office, 700 East Roosevelt, Grants, NM 87020; and,

**WHEREAS**, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, "provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants"; and,

**WHEREAS**, the members of this Board took a solemn oath to support constitution of the United States and the constitution and laws of this State pursuant to Article 20 Section 1 of the New Mexico Constitution; and,

**WHEREAS**, the New Mexico State Constitution, Article II, Section 2 provides that "[a]ll political power is vested in and derived from the people: all government of right originates with the people, is founded upon their will and is instituted solely for their good."

**WHEREAS**, Article II, Section 3 provides that "[t]he people of the state have sole and exclusive right to govern themselves as a free, sovereign and independent state."

**WHEREAS**, Article II, Section 4 provides that "[a]ll persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty..."

**WHEREAS**, Article II, Section 6 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."

**WHEREAS**, the Supreme Court of the United States has recently affirmed the constitutional right of the people to carry a pistol in public for self-defense, and has made clear that the constitutional right to bear arms in public for self-defense is not simply "a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees, New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 142 S. Ct. 2111, 2156 (2022); and,

**WHEREAS**, on September 8, 2023, the Governor of the State of New Mexico issued Executive Order 2023-130 and directed that the Secretary of the Department of Health issue a public health emergency order banning the possession of a firearm by New Mexicans, openly or concealed, outside of private property for certain cities and counties in the State; and,





**WHEREAS**, the public health order further banned the possession of a firearm on state property and public parks for all New Mexicans; and,

**WHEREAS**, Executive Order 2023-130 will remain in effect until October 6, 2023;

**WHEREAS**, the Executive Order will do nothing to prevent gun crime by criminals as it is already illegal for criminals to carry guns; and,

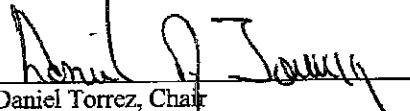
**WHEREAS**, it is the desire of Cibola County to support and defend the New Mexico State Constitution and Bill of Rights, the United States Constitution and Bill of Rights and to protect the liberties of its citizens as stated therein; and,

**WHEREAS**, the Cibola County Commission believes in the importance of legal open carry and legal concealed carry as a means for law-abiding citizens to exercise their Second Amendment rights.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Cibola that it hereby opposes the Governor's patently unconstitutional public health order and calls upon the County's citizens to stand up for all civil liberties guaranteed by the Constitutions of the United States and the State of New Mexico.

**APPROVED, ADOPTED, AND PASSED** on this 20th day of September 2023.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CIBOLA**

  
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Daniel Torrez, Chair

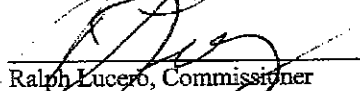
**ABSENT**

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Martha Garcia, 1<sup>st</sup> Vice-Commissioner

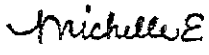
**ABSENT**

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Christine Lowery, 2<sup>nd</sup> Vice-Chair

  
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Robert Windhorst, Commissioner

  
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Ralph Lucero, Commissioner

ATTEST:

  
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Michelle E. Dominguez  
Cibola County Clerk

