

Approved as to Form and Legality

FILED
OAKLAND CITY CLERK
OAKLAND, CALIFORNIA

Oakland City Council

RESOLUTION NO. 2281552 C.M.S.

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO SIGN ONTO AN AMICUS (FRIEND OF THE COURT) BRIEF IN THE CASE OF NORDYKE V. KING ASKING THE COURT TO UPHOLD ALAMEDA COUNTY'S ORDINANCE BANNING THE POSSESSION OF FIREARMS AND AMMUNITION ON COUNTY PROPERTY

WHEREAS, the City of Oakland is experiencing a high incidence of firearms violence and crimes and the City has previously enacted ordinances to reduce the availability and use of firearms in its jurisdiction; and

WHEREAS, in August 1999, the County of Alameda passed Ordinance § 9.12.120(b) prohibiting the possession of firearms or ammunition while on County Property; and

WHEREAS, plaintiffs Russell and Sally Nordyke sued the County of Alameda in United States District Court, challenging Alameda County's firearms and ammunition prohibition and alleging a violation of their constitutional rights under the First and Second Amendments to the United States Constitution; and

WHEREAS, United States District Judge Martin Jenkins denied plaintiffs' motion for preliminary injunction, and the Nordykes have filed an appeal in the United States Court of Appeals asking the appellate court to reverse the lower court's ruling; and

WHEREAS, the Legal Community Against Violence, a Bay Area organization that supports firearms regulation and control, will file an amicus (friend of the court) brief in the United States Court of Appeals, supporting the validity of the County of Alameda ordinance; and

WHEREAS, an adverse decision in this case may restrict the ability of municipal agencies to ban the possession of firearms and ammunition on their own property; and

WHEREAS, the following entities have agreed to sign onto the amicus brief: the Brady Campaign to Prevent Gun Violence, the Violence Policy Center, the Coalition to Stop Gun Violence, the League of California Cities, and the International Municipal Lawyers Association; now therefore be it

RESOLVED, that the City Attorney, on behalf of the City of Oakland, is authorized to sign and join in an *amicus* brief that the Legal Community Against Violence will file in the United States Court of Appeal asking that the court uphold the validity of Alameda County's ordinance prohibiting the possession of firearms and ammunition on county property.

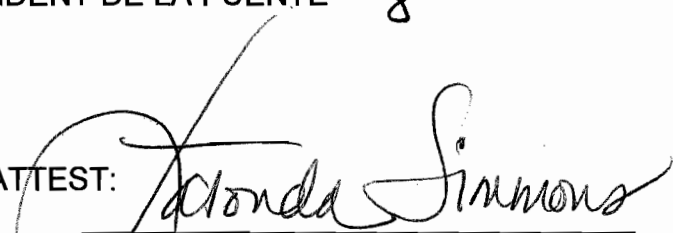
IN COUNCIL, OAKLAND, CALIFORNIA, **SEP 16 2008**

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID,
CHANG, AND PRESIDENT DE LA FUENTE **8**

NOES - **0**
ABSENT - **0**
ABSTENTION - **0**

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California