

SENIOR COUNSEL  
C. D. MICHEL\*

SPECIAL COUNSEL  
JOSHUA R. DALE  
W. LEE SMITH

ASSOCIATES  
ANNA M. BARVIR  
SEAN A. BRADY  
HANNAH G. ELISHA  
SCOTT M. FRANKLIN  
BEN A. MACHIDA  
THOMAS E. MACIEJEWSKI  
CLINT B. MONFORT  
JOSEPH A. SILVOSO, III  
LOS ANGELES, CA

\* ALSO ADMITTED IN TEXAS AND THE  
DISTRICT OF COLUMBIA

WRITER'S DIRECT CONTACT:  
562-216-4453  
ABARVIR@MICHELLLAWYERS.COM



OF COUNSEL  
DON B. KATES  
BATTLEGROUND, WA

RUTH P. HARING  
MATTHEW M. HORECZKO  
LOS ANGELES, CA

GLENN S. MCROBERTS  
SAN DIEGO, CA

AFFILIATE COUNSEL  
JOHN F. MACHTINGER  
JEFFREY M. COHON  
LOS ANGELES, CA

DAVID T. HARDY  
TUCSON, AZ

August 20, 2014

Mayor Christopher Cabaldon  
Mayor Pro Tem Mark Johannessen  
Council Member William Kristoff  
Council Member Christopher Ledesma  
Council Member Beverly Sandeen  
CITY OF WEST SACRAMENTO  
West Sacramento Civic Center  
1110 West Capitol Avenue, 3rd Floor  
West Sacramento, CA 95691  
**VIA E-MAIL AND FAX: (916) 372 - 8765**

City Clerk Kryss Rankin  
CITY OF WEST SACRAMENTO  
West Sacramento Civic Center  
1110 West Capitol Avenue, 3rd Floor  
West Sacramento, CA 95691

**Re: Ordinance 14-9: Zoning for Retail Sales of Firearms and  
Ammunition – OPPOSITION**

Dear Honorable Members of the City Council:

We are aware that, at its upcoming August 20, 2014 regular meeting, the West Sacramento City Council will consider Draft Ordinance 14-9 regarding the adoption of zoning requirements for the retail sale of firearms and ammunition ("the Proposed Ordinance"). We write on behalf of our clients, the National Rifle Association ("NRA"), as well as the hundreds of thousands of their members in California, including those residing in the City of West Sacramento ("the City"), to express their opposition to the Proposed Ordinance.

Specifically, we wish to inform the City that such proposals raise significant constitutional concerns, including conflicts with the First Amendment, the Second Amendment, and the Equal Protection clause. Should the City move to adopt zoning regulations that single out firearm and ammunition retailers for especially harsh treatment, our clients are prepared to bring a lawsuit to vindicate those rights. Second Amendment civil rights jurisprudence is evolving rapidly in the wake of the Supreme Court's rulings in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010), recognizing an *individual and fundamental* right to arms. It would be a more prudent use of the City's resources to refrain from enacting such laws while this area of law develops through litigation in other jurisdictions.

City of West Sacramento  
August 20, 2014  
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Our clients understand the need to fight the criminal misuse of firearms and gun violence, and they have a variety of effective programs for doing so available to the City upon request. These programs do not overburden responsible business owners or flout constitutional guarantees. We ask the City to consider implementing such programs before pursuing any restrictive zoning scheme targeting the otherwise lawful business of firearm retailers, who are the purveyors of constitutional rights.

If you have any questions or concerns regarding the content of this correspondence, please feel free to contact us at your convenience.

Sincerely,  
**Michel & Associates, P.C.**

A handwritten signature in black ink, appearing to read 'Anna M. Barvir', with a long horizontal flourish extending to the right.

Anna M. Barvir



WRITER'S DIRECT CONTACT:  
(562) 216-4444  
ABARVIR@MICHELLAWYERS.COM

## FAX TRANSMITTAL SHEET

**TO:** Sacramento City Council

**FIRM:** City of Sacramento

**FAX NO.:** (916) 372-8765

**TEL. NO.**

**FROM:** Anna M. Barvir

**DATE:** August 20, 2014

**RE:** Ordinance 14-9: Zoning for Retail Sales of Firearms and Ammunition - OPPOSITION

THIS FAX CONTAINS COVER PAGE PLUS 2 PAGES. IF YOU DO NOT RECEIVE ALL PAGES PLEASE CONTACT Claudia Ayala AT (562) 216-4444.

### SPECIAL INSTRUCTIONS

Please distribute before tonight's meeting. Will also follow via electronic mail. Thank you,

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