



**Resolution No. R2019-02-001**

**A RESOLUTION OF THE CITY OF NOGALES CONDEMNING THE USE OF CONCERTINA WIRE AS AN INDISCRIMINATE USE OF LETHAL FORCE BY THE FEDERAL GOVERNMENT ALONG THE U.S. MEXICAN BORDER WITHIN THE INCORPORATED CITY OF NOGALES, ARIZONA.**

**WHEREAS**, the City of Nogales, Arizona is located on the southern border of the State of Arizona with a 18 to 20 foot border wall that separates and divides the U.S. from Mexico; and

**WHEREAS**, the City of Nogales, Arizona has a population of approximately 20,000 inhabitants, while Nogales, Sonora Mexico has from 400,000 to 500,000 inhabitants; and

**WHEREAS**, on any given day there are hundreds of law abiding citizens from both countries crossing the border and live alongside the border and come into contact with the border and its infrastructure; and

**WHEREAS**, the City of Nogales recognizes the importance to cross border trade and business with Mexico as its most important economic resource; and  
Whereas, the City of Nogales desires to maintain a safe and secure border for all without impeding or giving the perception of impeding the lawful and efficient crossing of goods and people; and

**WHEREAS**, in November 2018 the United States Military came into the City of Nogales and started installing concertina wire at the Port of Entries and along the International Border Wall; and

**WHEREAS**, Concertina wire has sharp razor-like blades that are coiled is designed to entangle its victim as the razors slice/cut deeply into the flesh and causes indiscriminate injury which can be fatal; and

**WHEREAS**, this initial concertina wire was installed at a height where it would only indiscriminately harm or kill anyone who actually scales the border wall; and

**WHEREAS**, on February 1st the U.S. Military and Federal Government started installing horizontal strands of concertina wire on the U.S. side of the border wall from the top of the wall to the ground; and

**WHEREAS**, placing coiled concertina wire strands on the ground is typically only found in a war, battlefield, or prison setting, and ***not*** in an urban setting such as downtown Nogales, Arizona; and

**WHEREAS**, placing coiled concertina wire that is designed to inflict serious bodily injury or death in the immediate proximity of our residents, children, pets, law enforcement and first responders is not only irresponsible but inhuman; and

**WHEREAS**, the City of Nogales has a section in its Development Code that bans the use of this type of fencing in areas other than commercial or industrial storage areas and only at a minimum height of 6 feet; and

**WHEREAS**, the Border Wall with the deadly concertina wire is located in well travel and populated commercial and residential areas and it is economically and operationally unfeasible for the City of Nogales to place a barrier to protect its residents and visitors from the concertina razor wire; and

**NOW BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NOGALES, ARIZONA**

**THAT:**

1. The Federal Government take immediate action to remove all concertina wire from the Border Wall and Fencing located within the Corporate City Limits of Nogales, Arizona.
2. No military force or the use of military type tactics designed to inflict indiscriminate harm be allowed in the City of Nogales without the Declaration of War by Congress of the United State or the Declaration of a National Emergency.
3. Staff is directed to take all necessary and reasonable actions in furtherance of this resolution.

**PASSED, ADOPTED, AND APPROVED** by the Council of the City of Nogales, Arizona, this 06th day of February, 2019.

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Arturo R. Garino, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia Robinson, City Clerk

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Luis F. Parra, City Attorney