



CITY OF MONTEBELLO REGULAR MEETING

MINUTES

WEDNESDAY, OCTOBER 25, 2023 AT 6:00 PM

**CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA**

OPENING CEREMONIES

CALL TO ORDER - 6:00 P.M.

Mayor Torres called the meeting to order at 6:02 p.m.

ROLL CALL

Members present were Mayor Torres, Mayor Pro Tem Peralta, Councilmember Melendez, and Councilmember Tamayo. Councilmember Jimenez arrived at 6:46 p.m. City Clerk Jimenez and Treasurer Matanga were also present.

City Attorney Arnold Alvarez-Glasman, Acting City Manager Arlene Salazar, Senior Deputy City Clerk Kimberly Guillen, and all Department Directors were present.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

City Attorney Alvarez-Glasman announced the Closed Session Items.

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, the public may submit a speaker card to the City Clerk staff for Closed Session items, prior to the beginning of this statement. Speakers will be called in the order received. Please be aware that the maximum time allotted for members of the public to speak on Closed Session items shall not exceed three (3) minutes per person. State Law prohibits the City Council from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Mayor and City Council.

None.

CLOSED SESSION

The City Attorney shall provide a briefing on the item listed for Closed Session as follows:

Mayor Torres recessed the meeting into Closed Session at 6:03 p.m. to consider the following Closed Session items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)
Creswell, Vernon v City of Montebello
State Case No. BC673051
State Lead Case No. Consolidated with 20STCV49254
Federal Case No. 5:22-cv-00787

2. CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6
Agency Negotiators: Arlene Salazar, Acting City Manager; Nicholas Razo, Director of Human Resources
Employee Organization: SMART-TD

REGULAR SESSION - IMMEDIATELY FOLLOWING CLOSED SESSION

CLOSED SESSION REPORT

Mayor Torres motioned, seconded by Mayor Pro Tem Peralta to suspend the rules and begin the Regular Session earlier than usual; the motion passed unanimously.

Mayor Torres reconvened the meeting at 6:38 p.m.

Four members were present to discuss all Closed Session items. City Attorney Arnold Alvarez-Glasman provided the following report to City Council: Item No. 1 Council directed the City with a possible resolution, no action taken and nothing further to report; Item No. 2 a briefing was provided, no action taken and nothing further to report.

INVOCATION

Led by City Treasurer Matanga.

PLEDGE OF ALLEGIANCE

Led by City Clerk Jimenez.

CORRECTIONS TO THE AGENDA - ACTING CITY MANAGER

Acting City Manager Arlene Salazar announced the following corrections: Item No. 9's recommendation is to approve an agreement for a total not to exceed \$222,134.96. However, the contingency mentioned in the summary of the staff report is not needed. Item No. 16 was pulled for a staff presentation.

CEREMONIAL ITEMS/PRESENTATIONS

3. OATH OF OFFICE FOR MIA FLORES, YOUTH AND EDUCATION COMMISSIONER

The Oath of Office was administered by Councilmember Tamayo.

4. MCAP QUARTERLY UPDATE

Sandra Olivas, MSW Social Worker Coordinator, and Jonathan Hernandez, Social Work Supervisor, provided a presentation regarding the item.

Councilmember Melendez commended staff for their work and inquired about the registration list for the tiny homes and donations.

Councilmember Tamayo requested clarification on the tiny homes waitlist.

Mayor Pro Tem Peralta asked when the second MCAP team would come to fruition. She also inquired about the timeline and transition period for those individuals housed in the tiny homes.

MSW Social Worker Coordinator Olivas, Social Work Supervisor Hernandez, and Senior Management Analyst Andrew Leon provided clarification.

Councilmember Jimenez invited the public to the clothing and shoe drive hosted by the Run Montebello Run Group.

Mayor Torres requested the long-term success rate for individuals who are transferred to permanent housing. He also asked how the underpass cleanup was conducted. Mayor Torres requested to meet with staff to discuss a better solution to clean the Rio Hondo Chanel. He also inquired about the You-Are-Home Initiative. He further asked if the QR Code was ready and directed staff to add the QR Code to the Montebello App.

Mayor Torres asked if the information could be sent to Rubio in addition to a presentation provided in the past.

5. INCLUSIONARY HOUSING PRESENTATION

Julie Cooper of Economic and Planning Systems provided a presentation on the item. The presentation included information on the study process, project timeline, market conditions, feasibility methodology, findings, and next steps.

Councilmember Melendez inquired about the drop in inclusionary housing.

Councilmember Tamayo inquired about the other cities that were also part of the study.

Mayor Pro Tem Peralta suggested having a Special Study session to discuss adopting an ordinance for housing.

Mayor Torres requested that the feasibility study be posted on the City website; he further asked clarification questions regarding the presentation.

Mayor Pro Tem Peralta motioned, seconded by Councilmember Tamayo, to schedule a Special Study Session for further discussion.

PUBLIC COMMENTS ON NON-AGENDA ITEMS (30 MINUTES)

At this time, the public may submit speaker card(s) to the City Clerk staff, for both agenda and non-agenda items, prior to the beginning of this statement; Public Hearing items do not require a speaker card.

The City Council will address non-agenda items during this section and speakers will be called in the order received. Those persons not accommodated during this 30-minute period will have an opportunity to speak under "Public Comments – Continued", after all scheduled matters have been considered. **Public Hearing, Regular Business and/or Consent Calendar items will be addressed at the time that matter of business is heard, in the order received.**

Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per speaker. State Law prohibits the City Council from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Mayor and City Council.

The City Clerk's Office acknowledged three(3) members of the public wishing to address the City Council. Speakers were provided three minutes to address the City Council and said speaker cards are on file at the City Clerk's office.

STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST

Acting City Manager Salazar announced the upcoming City-Wide events, including the Halloween Fest and the Dia de los Muertos Community Altar Display.

REGULAR BUSINESS

6. FISCAL YEAR 2023-24 FIRST QUARTER BUDGET REPORT

RECOMMENDATION: It is recommended that the City Council:

1. Receive and file this agenda report and presentation on the Fiscal Year 2023-24 First Quarter Budget Report; and,

2. Take such additional, related action that may be desirable.

Director of Finance Michael Solorza provided a presentation of the item. The presentation included an overview of Fiscal Year 2022-23 unaudited results, Fiscal Year 2023-24 projections, revenue highlights, expenditure updates, and hotel operations updates.

Councilmember Tamayo asked for clarification on the updated forecast.

Mayor Pro Tem Peralta recognized the collaborative effort to provide monthly reports to the public.

Mayor Torres inquired about the City's strategy to maintain a healthy reserve; he requested a memo or an agenda item presentation explaining how the City plans to spend reserve funds.

Director Solorza provided clarification and agreed to provide additional information for the Council.

Mayor Torres also requested the sales tax revenue from the Market Place compared to the sales tax that the City received from Costco. He also noted that there was an excess of funds from the Taylor Ranch Project. He suggested holding the funds for the maintenance and upkeep of City Artwork.

Mayor Torres motioned, seconded by Mayor Pro Tem Peralta, to schedule a Strategic Planning Session in January or February 2024; the motion passed unanimously.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine. Any items a member wishes to discuss, including any items the public submitted speaker cards for, should be designated at this time. All other items may be approved in a single motion. Such approval will also waive the reading of any Ordinance.

Mayor Pro Tem Peralta pulled Item No. 8; Item No. 14 was pulled by a member of the public; Item No. 16 was pulled by staff for a presentation.

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta, that Item No's. 7, 9 (as amended), 10-13, 15, and 17 be approved; the motion passed unanimously.

7. FIRST QUARTER FISCAL YEAR 2023-24 TREASURER'S REPORT (AS OF SEPTEMBER 30, 2023)

RECOMMENDATION: It is recommended that the City Council:

1. Receive and file the Quarterly Treasurer's Report for the quarter ending September 30, 2023 (First Quarter of Fiscal Year 2023-24).

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta, to approve the item; the motion passed unanimously.

8. AWARD PROFESSIONAL SERVICES AGREEMENT NO. 4152 FOR A PARK AMENITIES ACCESSIBILITY ASSESSMENT (RFP NO. 24-2) TO "COMMUNITY WORKS GROUP DESIGN"

RECOMMENDATION: It is recommended that the City Council:

1. Award Professional Services Agreement No. 4152 to "Community Works Design Group" in an amount not-to-exceed Seventeen Thousand Four Hundred Forty Five Dollars (\$17,445) annually for a Park Amenities Accessibility Assessment; and
2. Authorize the City Manager to take actions necessary to execute and finalize an agreement on behalf of the City of Montebello; and
3. Amend the Fiscal Year 2023-24 budget by increasing appropriations by a total of \$17,445 in Account No. 100-70-700-6040.10; and
4. Take such additional, related action that may be desirable.

Mayor Pro Tem Peralta spoke in favor of the item.

Mayor Pro Tem Peralta motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed unanimously.

9. UNINTERRUPTED POWER SYSTEM (UPS) REPLACEMENT - MONTEBELLO POLICE DEPARTMENT 911/COMMUNICATION CENTER

RECOMMENDATION: It is recommended that the City Council:

1. Determine and find that the replacement is of an emergency nature and required to prevent interruptions to the Montebello Police Department 911/Communication Center; and
2. Authorize the City Manager to execute a professional service agreement with Computer Protection Technology for the replacement of the uninterrupted power system (UPS) and Amend the Fiscal Year 2023-2024 budget by increasing appropriations by \$222,134.96 in Account No. (230-99-847-6010.10) for the emergency replacement; and
3. Take such additional, related action that may be desirable.

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta, to approve the item with the amendment to remove contingency costs; the motion passed unanimously.

10. APPROVE PURCHASE OF REPLACEMENT POLICE DEPARTMENT VEHICLES

RECOMMENDATION: It is recommended that the City Council:

1. Approve the purchase of two (2) vehicles from Ford of of Montebello (Ford Explorer) and Camino Real Chevrolet (Chevrolet Tahoe) for use by Police Department administrative (command) staff; and
2. Authorize the surplus of unneeded or otherwise unnecessary police vehicles; and
3. Take such additional, related action that may be desirable.

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta, to approve the item; the motion passed unanimously.

11. APPROVAL OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS), SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FUNDS UTILIZATION

RECOMMENDATION: It is recommended that the City Council:

1. Approve the use of grant funding awarded to the Police Department by the California Office of Traffic and Safety (OTS) through the Selective Traffic Enforcement Program (STEP), Grant number PT24122, in the amount of \$145,000; and
2. Amend the Fiscal Year 2023-24 budget and increase appropriations by \$145,000 in grant Account No. 265-8013-800, OTS-STEP Grant, PT24122 FY 2023-24 (Overtime, Other Direct Costs and Travel and Meetings); and
3. Take such additional, related action that may be desirable.

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta, to approve the item; the motion passed unanimously.

12. APPROVE ISSUING A BUS STOP IMPROVEMENT PROJECT (BSIP) CONSULTING SERVICES REQUEST FOR PROPOSAL (RFP) NO. 24-7

RECOMMENDATION: It is recommended that the City Council:

1. Approve issuing a Bus Stop Improvement Project (BSIP) Consulting Services Request for Proposal (RFP) No. 24- 7; and
2. Take such additional, related action that may be desirable.

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta, to approve the item; the motion passed unanimously.

13. AMEND THE FISCAL YEAR 2023-24 TRANSIT CAPITAL IMPROVEMENT PROGRAM BUDGET FOR VARIOUS PROJECTS

RECOMMENDATION: It is recommended that the City Council:

1. Amend the Transportation Department Capital Improvement Program (CIP) budget for Fiscal Year 2023-24 by increasing appropriations in the various accounts as detailed on Attachment A in the total amount of \$10,790,471; and
2. Take such additional, related action that may be desirable.

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta, to approve the item; the motion passed unanimously.

14. APPROVE ISSUING A REQUEST FOR PROPOSALS FOR AN ART ADVISORY CONSULTANT TO SUPPORT AND FACILITATE THE ART IN PUBLIC PLACES PROGRAM AND PERFORM ADDITIONAL RELATED AS-NEEDED SERVICES

RECOMMENDATION: It is recommended that the City Council:

1. Approve issuing a Request for Proposals ("RFP") for an Art Advisory Consultant to Support and Facilitate the Art in Public Places Program and Perform Related As-Needed Services; and,
2. Take such additional, related action that may be desirable.

The City Clerk's Office acknowledged one(1) member of the public wishing to address the City Council. The speaker was provided three minutes to address the City Council, and said speaker cards are on file at the City Clerk's office.

Mayor Pro Tem Peralta motioned, seconded by Mayor Torres, to approve the item; the motion passed unanimously.

15. ADOPT RESOLUTION NOS. 23-76 AND 23-77 APPROVING THE JOB SPECIFICATION AND SALARY RANGE FOR THE FULL-TIME EQUIVALENT CLASSIFICATION OF ELECTRICIAN AND PLUMBER

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-76 approving the job specification for the full-time equivalent (FTE) classification of Electrician and Plumber; and
2. Adopt Resolution No. 23-77 approving the compensation plan to include the salary range for both the FTE classification of Electrician and Plumber (Range 27: \$63,242 – \$78,980); and
3. Take such additional, related action that may be desirable.

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta, to approve the item; the motion passed unanimously.

16. APPROVE AGREEMENT NO. 4158 WITH FLO-SERVICE, INC. FOR MAINTENANCE AND REPAIRS FOR THE SEWER LIFT STATION AT 348 E. LINCOLN AVENUE

RECOMMENDATION: It is recommended that the City Council:

1. Approve Agreement No.4158 with Flo-Services for repairs for the Sewer Lift station at 348 E. Lincoln Avenue at Sanchez Drive in the total amount of \$235,432 under the authority of Montebello Municipal Code (MMC) Section 3.20.050(D); and,
2. Approve issuing a purchase order to A-n-W Construction for sidewalk repairs in the amount of \$10,818; and
3. Amend the Fiscal Year 2023-24 budget by increasing appropriations by a total of \$250,000 in Account No. 100-30-340-6040.50 (General Fund, Public Works, Sewer Operations, Contract Services Street Maintenance); and
4. Authorize issuing a request for Proposals (RFP) for the maintenance, operation, and repairs of the four (4) sewage pump stations at Lincoln Avenue at Rancho Drive, Natasha Lane cul-de-sac, Lincoln Avenue at Sanchez Drive, and Grant Rea Park; and
5. Take such additional, related, action that may be desirable.

Acting Public Works Director Rita Montalvo provided a presentation on the item.

Councilmember Tamayo inquired if the City was paying for the damage or if the insurance was paying for a portion.

Acting Director Montalvo stated that the City's Risk Management Division was working with the property insurance carrier

to receive reimbursement.

Councilmember Melendez, seconded by Councilmember Tamayo, to approve the item; the motion passed unanimously.

17. **PAYMENT OF BILLS: ADOPT RESOLUTION NO. 23-75 APPROVING THE CITY WARRANT REGISTER OF DEMANDS DATED OCTOBER 25, 2023**

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-75 approving the Warrant Register dated October 25, 2023.

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta, to approve the item; the motion passed unanimously.

PUBLIC COMMENTS - CONTINUED

AB 1234 TRAVEL REPORTS

Members will provide a brief report on meetings attended at the expense of the local agency as required by Government Code Section 53232.3(d).

None.

COUNCIL/AGENCY ORALS

Announcements and requests for future agenda items.

- **Salvador Melendez, Councilmember**
- **Georgina Tamayo, Councilmember**
- **Scarlet Peralta, Mayor Pro Tem**
- **Angie M. Jimenez, Councilmember**
- **David N. Torres, Mayor**

CLOSED SESSION - CONTINUED

ADJOURNMENT

The City of Montebello will adjourn to the next **Regular Meeting on November 8, 2023, at 6:00 p.m.**, which can be live-streamed at <https://www.montebellocal.gov> (Click on Live Stream).

I, Kimberly Guillen, Senior Deputy City Clerk for the City of Montebello, hereby certify that a copy of this agenda has been posted on or before **Sunday, October 29, 2023, no later than 6:00 p.m.**



Kimberly Guillen, Senior Deputy City Clerk

Mayor Pro Tem Peralta motioned, seconded by Councilmember Tamayo to adjourn the meeting at 9:18 p.m.

THE MINUTES OF OCTOBER 25, 2023, ARE HEREBY APPROVED AND ADOPTED ON THIS 10TH DAY OF JANUARY 2024.

EXHIBIT - CITY OF MONTEBELLO FORECASTED AGENDA

Please note, the attached exhibit is a draft version that is to be used for reference purposes only; agenda items, information, and dates are subject to change. The exhibit will be placed at the end of the Agenda Packet.

- **CITY OF MONTEBELLO FORECASTED AGENDA**

PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

1

CITY OF MONTEBELLO

Request No. _____



SPEAKER CARD



Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to the statement of oral communications being read and/or 6:00 p.m., whichever is later.

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☒ **AGENDA ITEM NO.** _____

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** _____

MEETING DATE: 10/25/2023 **TIME RECEIVED:** 5:45pm

SPEAKER'S FULL NAME: MIKHAEL CHEE **PHONE:** _____

(Optional)

ADDRESS: _____
(Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ **Language:** _____

RECEIVED BY STAFF: _____

PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 2



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to the statement of oral communications being read and/or 6:00 p.m., whichever is later.

TYPE OF COMMENT:

Closed Session ☐

Non-Agenda Item ☒

AGENDA ITEM NO. #14

Opposed ☐

In Support ☐

Neutral ☐

TOPIC: _____

MEETING DATE: 10/29

TIME RECEIVED: 6:36

SPEAKER'S FULL NAME: Linda Miller

PHONE: _____

(Optional)

ADDRESS: _____

ORGANIZATION REPRESENTED: MATCH

(Optional)

90640

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ Language: _____

RECEIVED BY STAFF: _____

PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 3



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to the statement of oral communications being read and/or 6:00 p.m., whichever is later.

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☒ **AGENDA ITEM NO.** _____

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** _____

MEETING DATE: 10/25 **TIME RECEIVED:** 6:36

SPEAKER'S FULL NAME: ROSA TAMAYO **PHONE:** _____
(Optional)

ADDRESS: _____
(Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ **Language:** _____

RECEIVED BY STAFF: _____

October 25, 2023

Good evening

I address this public comment directly to you Torres, at the last meeting you interrupted my three minutes during my public comments. Maybe since you no longer have a paralegal certification since you were fired from the LA City Attorney's office, you've forgotten what First Amendment rights are.

Here's a copy I received of the booklet from the ACLU, I've provided you with a copy . It is from the office of the real ACLU, not the office that sent a letter to the city by a lawyer, your friend that worked for donations division, not the legal department.

Also, before you give yourself credit, you really should do your homework. You are not the first mayor to hold State of the City free for community. That was former Mayor Vivian Romero, when she held two state of the city, one was a luncheon and second was dinner in evening for those residents that work and could not attend during the day. Both were freed and meals were provided at the Quiet Cannon. Mayor Romero had sponsors that paid for all the costs.

During her State of the City, she had Directors speak on each department's accomplishments, that's what a true leader does gives credit where it's due.

I did not hear you give credit for the report you read, or slideshow provided for you. Yet you took credit for everything,

AMENDMENTS
TO THE CONSTITUTION

THE BILL OF RIGHTS
(the first 10 amendments)

was ratified December 19, 1791

AMENDMENT 1.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT 2.

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.

AMENDMENT 3.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

January 9, 2023

Attn: Rene Bobadilla
Montebello City Manager

The reason for writing this letter directly to you is, on 1/21/2022 I sent in an email regarding the complaint about David Torres constant contacting of me thru varies avenues.

Last year I sent in an email stating my opinion of Torres' conduct towards other on Council and his disrespect of staff.

I received a phone call from Torres, and I asked him how he got my phone number, I never gave my permission to have my information released to anyone. He continued to tell me I was wrong, and I told him it's my First Amendment Rights to speak my concerns and opinions. I told him do not call me again I am not interested in anything you have to say.

I wrote a second email and again Torres contacted me thru a text message, my answer to him was do not text me.

He later sent me an email, guess Torres thinks he's smart because he stopped calling and texting, so he emailed me. I warned Torres I would file a complaint with the Montebello Police Department if he did not stop harassing me by any source of contact.

Last Month Torres went to extremes to find me on Instagram, it is not by my name, asking me to follow him. I am a straight man, and I am not interested in a gay man constantly harassing me period.

I would ask Attorney Glasman to be held responsible for denying by First Amendment Rights, by protecting Torres. What I wrote was the truth I have screenshots of Torres phone number, texts, and email. I also plan to file a complaint with the ACLU against both for denying my First Amendment rights by not reading my email into the record.

I would recommend Glasman not be allowed to conduct meetings and instead send another member of his law firm. Someone that can be impartial, unlike Glasman, has proven not to be.

Please I do not want to be called by anyone, this is my First Amendment Right to speak my opinions and concerns.

Thank you,
Jose C Lopez



CONSTITUTION OF THE UNITED STATES OF AMERICA

**AMENDMENTS
TO THE CONSTITUTION**

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(the first 10 amendments)
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