



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Sheriff's Office



Date: August 14, 2013
Board Meeting Date: September 17, 2013
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Greg Munks, Sheriff

Subject: Ordinance amending Section 3.52.200 of Chapter 3.52 (Firearms) of Title 3 of the San Mateo County Ordinance Code, relating to the possession and sale of firearms by county officials

RECOMMENDATION:

Introduction of an ordinance amending Section 3.52.200 of Chapter 3.52 (Firearms) of Title 3 (Public Safety, Morals and Welfare) of the San Mateo County Ordinance Code, relating to the possession and sale of firearms by County law enforcement officials.

BACKGROUND:

Under the current ordinance, adopted in 1999, the County and county law enforcement officials are generally prohibited from selling any county-owned firearm. Section 3.52.200(B) currently provides: "No county law enforcement official shall trade, give or otherwise transfer any firearm owned or possessed by the County of San Mateo." Subdivision (C) of Section 3.52.200 provides the only exception to the prohibition, allowing for the sale of firearms specifically to another law enforcement agency.

In FY 2013-14, the Sheriff's Office of San Mateo County will transition to a new standard-issue duty weapon for its sworn personnel. The Sheriff's Office seeks the authority to sell its stock of old duty weapons (i.e., those that are to be replaced this fiscal year), as well as other older firearms no longer needed by the Sheriff's Office, in order to defray a portion of the cost of purchasing the new stock of duty weapons and related equipment.

DISCUSSION:

As with all law enforcement agencies, the Sheriff's Office must maintain and periodically update its inventory of firearms. In accordance with that duty, the Sheriff's Office will transition to a new duty firearm for sworn personnel during the FY 2013-14, and as a result, the Sheriff's Office's inventory of 355 current duty pistols and approximately 400 old duty firearms will no longer be needed. Although the Sheriff's Office will no longer

have a need for these weapons, any revenue generated by sales could be used to offset a portion of the cost of the new duty weapons.

The manufacturer of the new duty weapons has offered to purchase the inventory of old duty weapons at fair market value. As written, however, the current ordinance would not allow the Sheriff's Office to sell or in any way transfer such surplus weapons unless such sales are to another law enforcement agency. The proposed ordinance will amend the ordinance to allow the Sheriff's Office to sell unneeded, surplus firearms to firearms manufacturers and currently employed sworn personnel of the Sheriff's Office through a licensed firearms dealer.

The Sheriff's Office plans to sell the firearms in a two-step process. First, the Sheriff's Office will offer the current duty weapons for sale to interested sworn personnel employed by the Sheriff's Office (limited to Deputies, Sergeants, Lieutenants, and Captains, and the Assistant Sheriff, Undersheriff, and Sheriff). All such sales will be at fair market value and will take place through a licensed firearm dealer in accordance with applicable state and federal law.

Second, the Sheriff's Office will sell any current duty and old duty weapons not purchased by current personnel to Smith & Wesson, the manufacturer of the new duty weapon. Sales to Smith & Wesson will take place at fair market value as provided in Smith & Wesson's schedule for firearm buybacks. The sales will be executed through a licensed firearms dealer in accordance with applicable state and federal law.

Adoption of this revision to the Ordinance Code will facilitate the cost-effective disposal of the Sheriff's Office's stock of older firearms by allowing the Sheriff to recoup the monetary value of County-owned firearms that are outdated, obsolete, or otherwise no longer needed by the Sheriff's Office.

FISCAL IMPACT:

It is currently estimated that sales of surplus firearms will generate between \$130,000 and \$150,000, depending on the number and type of firearms sold and the prevailing market values. The revenue so generated will be used to offset the anticipated purchase price of \$150,000 for the purchase of the new duty weapons from Smith & Wesson. There is no additional Net County Cost associated with this ordinance amendment.