

# FW: Insurance and Fee for Gun Ownership

City Clerk <[REDACTED]>

Mon 2/7/2022 4:55 PM

To: Agendadesk <[REDACTED]>

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**From:** Chris Moulis <[REDACTED]>  
**Sent:** Monday, February 7, 2022 3:52 PM  
**To:** Nicholas VIRGALLITO <[REDACTED]>  
**Cc:** City Clerk <[REDACTED]>  
**Subject:** Re: Insurance and Fee for Gun Ownership

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I agree with you.  
 But if passed, I will disclose I have a Tank, a B 52 bomber, a howitzer,  
 Be safe my friend.  
 They must be following Musilini's book.  
 Christos Constantinos Moulis, better known as the GREEK

---

**Christos Moulis**

[REDACTED]

I HAVE NOT AND WILL NOT VERIFY INFORMATION PROVIDED BY THIRD PARTIES.

On Mon, Feb 7, 2022 at 3:37 PM Nicholas VIRGALLITO <[REDACTED]> wrote:

Just a reminder, this is America and what you are attempting to do is radically unconstitutional . This is not Nazi Germany. What are you thinking, if you are even thinking. VOTE no on this folly. Impeachment of all of the Council Members that vote for this should be the order of the day.

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## FW: Gun insurance mandate

City Clerk <[REDACTED]>

Mon 2/7/2022 4:56 PM

To: Agendadesk <[REDACTED]>

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**From:** Jack Wood <[REDACTED]>

**Sent:** Monday, February 7, 2022 3:31 PM

**To:** City Clerk <[REDACTED]>

**Subject:** Gun insurance mandate

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I am opposed to **mandate that every gun owner purchase liability insurance. Since when does the government tell us what to buy? This is unconstitutional and you have overwhelming opposition to this do the right thing and represent the people and not yourselves!**

Sent from my iPhone

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## Agenda Item 2.2 Gun Control Ordinance

Erika <[REDACTED]>

Mon 2/7/2022 10:24 PM

To: City Clerk <[REDACTED]> The Office of Mayor Sam Liccardo <[REDACTED]>  
 District1 <[REDACTED]> District2 <[REDACTED]> District3 <[REDACTED]> District4 <[REDACTED]>  
 District5 <[REDACTED]> District 6 <[REDACTED]> District7 <[REDACTED]>  
 District8 <[REDACTED]> District9 <[REDACTED]> District 10 <[REDACTED]>

[E ternal Email]

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[thi i important](#)

[E ternal Email]

Dear Mayor Liccardo and members of the City Council,

Thank you for taking a moment to read my comments. I write today as a concerned citizen.

This gun ordinance is poorly thought out and, I fear, will be poorly executed as a result.

As a gun owner, I know that this law will do absolutely nothing to change the way that my family operates. We already have a homeowners insurance policy and an umbrella policy. We keep our guns locked in a combination safe. The guns are stored, unloaded, at all times. The only people who have access to these guns (i.e., the combination to the safe) are trained in gun safety. In other words, we have checked all of your "boxes" and if this gun ordinance goes into effect, we will already be following the law.

The other and perhaps most important safety measure that my family takes is that we do not tell people we have guns unless we trust them absolutely.

This ordinance will strip us of that most important safety measure.

An unnamed city department will compile a list of all the gun owners in San Jose. In a mass mailing, they will send the members of that list a letter telling them to pay the city's tax. The city's Finance Department will process that tax when I pay it. Each of these departments will know my name and address.

Then, that money along with my personal information will be passed to an unnamed and yet to be-verified nonprofit. That nonprofit will distribute my information to other nonprofits that specialize in suicide prevention and gun safety.

It sounds reasonable

But how many hands will my name, address and telephone number pass through? How many people that I have not met and therefore do not trust will know where I live? Will know that I have guns in the house? And that's just the people who see this list in the course of trying to do good.

This says nothing of the cyber security issue. Can the City of San Jose guarantee that a list of all the gun owners in the city will be kept safe from hackers? What about the nonprofit that the city identifies to reach out to these gun owners? What about the third parties that these nonprofits share this information with? Will anyone guard the information about my gun ownership as well as I do?

Despite what many people may think, I am in favor of gun control. I do believe that gun laws can be put into place to make a community safer.

This, however, is not one of those laws. The only thing this law does is make things less safe for myself, my family and the thousands of other families who take the important step of not sharing their gun ownership information with just anyone.

If this law goes into effect, I no longer control who knows about my guns. My information is just a small step away from public information. This law makes me and my family a target for criminals.

I realize that the City of San Jose is hurt and still healing from the VTA tragedy that occurred less than a year ago. As someone who was born and raised in San Jose, I understand. It hurts me too.

However, this will not fix it. It will only make things worse. Please, do not allow this rash and poorly put together ordinance to pass.

Sincerely,  
A Concerned Citizen  
District 6

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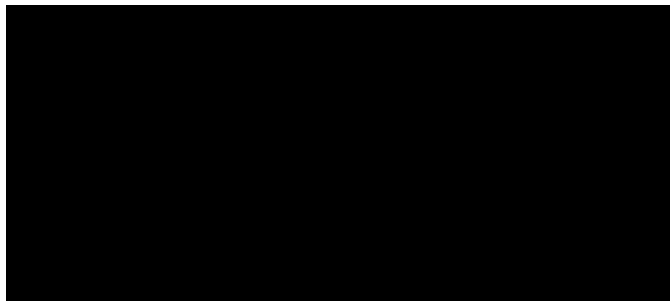
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# Fw: Do NOT read into law: Gun Harm Reduction Ordinance

City Clerk <[REDACTED]>

Tue 2/8/2022 6:30 AM

To: Agendadesk <[REDACTED]>




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**From:** USFC <[REDACTED]>  
**Sent:** Tuesday, February 8, 2022 5:29 AM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Do NOT read into law: Gun Harm Reduction Ordinance

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Dear Mayor Liccardo and Councilmember of San Jo e

The Gun Harm Reduction Ordinance will not improve San Jo e Neither the ta component nor the in urance mandate will reduce crime of any kind, much le firearm related violence

The ordinance mandate , "a homeowner' , renter' , or gun liability in urance policy pecifically covering lo e or damage re ulting from any negligent or accidental u e of the Firearm, including but not limited to death, injury, or property damage "

"Negligent" i a legal term u ed in CA Penal Code 246 3

" any per on who willfully di charge a firearm in a gro ly negligent manner which could re ult in injury or death to a per on i guilty of a public offen e and hall be puni hed by impri onment in a county jail not e ceeding one year, or by impri onment pur uant to ubdivi ion (h) of Section 1170 " In other word , negligent di charge of a firearm i the willful di charge of a firearm in a manner that could re ult in injury or death No in urance company offer coverage for injury or death re ulting from willful mi u e of a firearm

Particularly di appointing i thi law' creation of a nonprofit with a guaranteed revenue tream from the ta Di appointing becau e the ordinance i mi ing a prohibition again t the nonprofit hiring former city employee One e pect to ee uch behavior in a Loui iana legi lative body, not the city council of a California metropoli

Mi u e of firearm i overwhelmingly committed by criminal , gang , and lunatic , a hown by CDC and FBI data Thi ordinance contain no tep to addre tho e A law that doe n't olve problem i not neutral; it wa te time and re ource San Jo e need to u e el ewhere

The police department of San Jose is understaffed. Compensation packages for most PD positions are below market. PD staffing and compensation should be brought up to appropriate levels. Prosecuting attorneys should be funded to pursue violent criminals. Jails and prisons should be places of incarceration and rehabilitation, not revolving doors, for criminals.

Mental health services are urgently needed throughout the city. Break the cycle of crime by getting at the root causes, mental health problems and organized crime.

There are over 20,000 gun laws on the books in America. Passing another useless law is not the answer.

Please vote AGAINST reading the Gun Harm Reduction Ordinance into law.

Sonia Chang

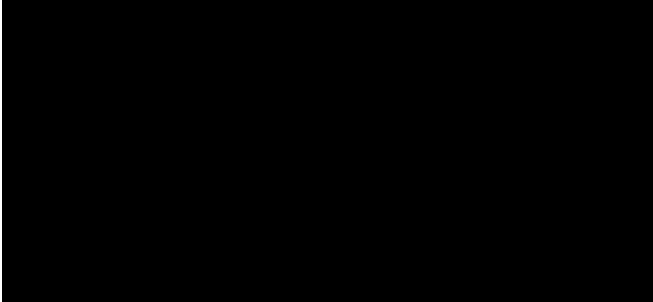
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**Fw: gun insurance**

City Clerk <[REDACTED]>

Tue 2/8/2022 6:31 AM

To: Agendadesk <[REDACTED]>



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**From:** GERARDO MOTA <[REDACTED]>

**Sent:** Monday, February 7, 2022 8:58 PM

**To:** City Clerk <[REDACTED]>

**Subject:** gun insurance

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Whats next ????

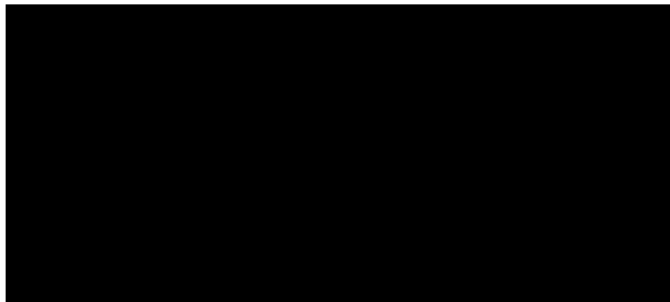
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**Fw: Please read the 2nd Amendment**

City Clerk <[REDACTED]>

Tue 2/8/2022 6:34 AM

To: Agendadesk <[REDACTED]>



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**From:** Jacqueline Young <[REDACTED]>

**Sent:** Monday, February 7, 2022 7:40 PM

**To:** City Clerk <[REDACTED]>

**Subject:** Please read the 2nd Amendment

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**Hello San Jose,**

**I challenge all of you who are voting on this ridiculous bill to answer me this question: have you ever shot a firearm?**

**If your answer is no, which I am guessing will be most if not all of you, how in God's name can you pass a frivolous bill that has no meaning, no merit? Legal gun owners follow the law, criminals DO NOT. How about you work on enforcing the laws on the books against criminals, and leave us legal gun owners alone.**

**If you want to be smart, take a firearms safety class. Ask questions, read. Go to the local range and try some shooting with instruction. See what shooting a firearm is *really* like, not what you hear about on the mainstream media.**

**God bless America.**

**Jackie Young  
Proud Air Force Mom  
NRA Lifetime Member and NRA Certified Instructor**



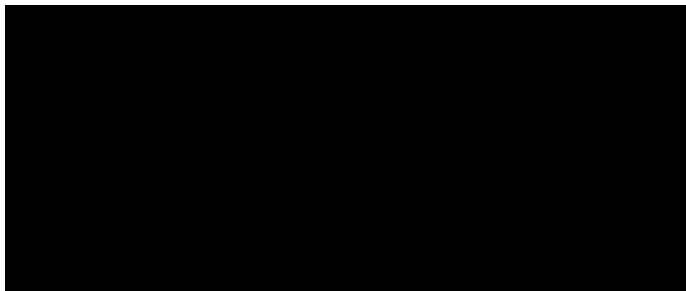
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**Fw: Public Comment: OPPOSE File 22 045.**

City Clerk <[REDACTED]>

Tue 2/8/2022 6:37 AM

To: Agendadesk <[REDACTED]>



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**From:** Carson Diccico <[REDACTED]>

**Sent:** Monday, February 7, 2022 5:51 PM

**To:** City Clerk <[REDACTED]>

**Subject:** Public Comment: OPPOSE File 22-045.

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[External Email]

Good evening,

I am emailing you to tell you to oppose proposition 22-045. This hinders the law abiding citizens ability to own firearms which is a clear violation of the 2nd amendment. This does nothing to reduce criminal acts involving firearms. I understand that the tax payers have to pay a substantial amount for gun related incidents every year. A suggestion I have for the council, is to have any person who violates any current firearm related law pay the salaries of the officers involved with the violation in addition too a fine.This approach targets violators more than every law abiding firearm owner. As city council members I wish for you to take more time and come up with a better solutions rather than use simple blanket laws. Thank you for your time.

- Carson

Sent from my iPhone

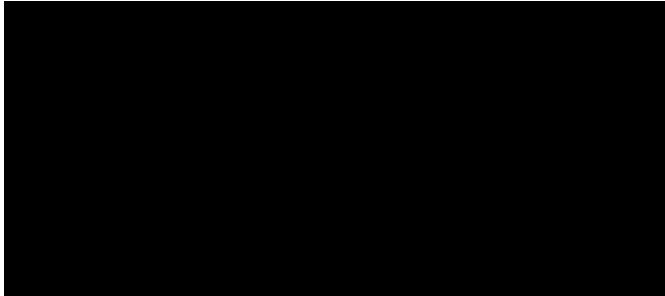
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**Fw: Gun liability insurance**

City Clerk &lt;[REDACTED]&gt;

Tue 2/8/2022 6:38 AM

To: Agendadesk &lt;[REDACTED]&gt;



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**From:** Thomas McDougall <[REDACTED]>  
**Sent:** Monday, February 7, 2022 5:31 PM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Gun liability insurance

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[External Email]

Dear San Jose City council -

We, in Concord and the rest of California, are watching your plan to approve an unconstitutional measure to require gun owners to have liability insurance.

Please reconsider, by using these points to think:

- no such liability insurance exists.
- requiring the insurance would put an unconstitutional burden on gun owners
- this would not stop illegal gun owners from committing crimes.
- this is a virtue-signaling action on your part, which will do nothing to stop gun crime.
- why burden law-abiding citizens with more expense, which will have no reducing effect on crime?

-Rather, why not work on measures that will improve the community, by strengthening families, with incentives for home ownership?

- encouraging small businesses to start and thrive.
- fully funding your police, and supporting them by actions, not just words.
- providing gun safety classes for the citizens of your city.

Don't go at the problem by adding more red tape and expense. Legal gun owners are not the problem. Gun ownership has not increased dramatically in the US in the last few years because law-abiding citizens feel safe, but just the opposite. Adding this bureaucratic 'solution' will not help reduce your crime.

We're watching you, and will fund legal action to challenge this buffoonery.

Regards,  
Tom M



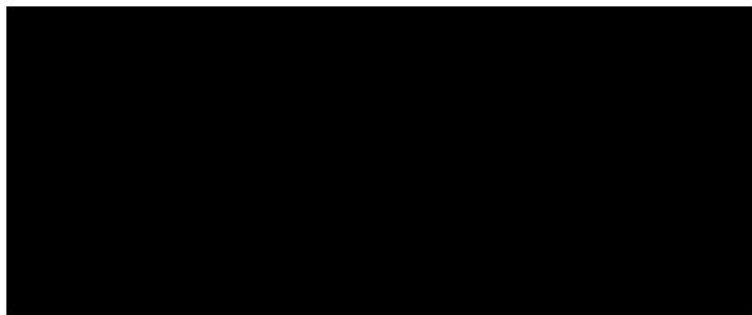
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**Fw: gun harm reduction ordinance**   **Opposed**

City Clerk <[REDACTED]>

Tue 2/8/2022 8:16 AM

To: Agendadesk <[REDACTED]>



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**From:** Jim Fuller <[REDACTED]>  
**Sent:** Tuesday, February 8, 2022 7:50 AM  
**To:** City Clerk <[REDACTED]>  
**Subject:** gun-harm-reduction ordinance - Opposed

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This ill-conceived ordinance will do nothing to reduce gun violence. It is simply a thinly veiled political posturing to be seen as "doing something". There a a huge number of gun owners in San Jose, enough to petition for recall elections for any council member voting yes on this ordinance.

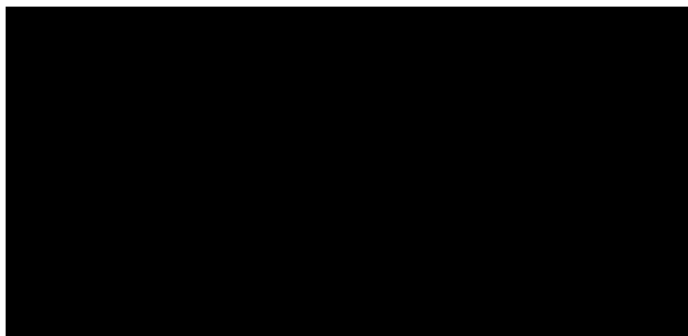
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**Fw: I STRONGLY OPPOSE THE GUN Ordinance**

City Clerk <[REDACTED]>

Tue 2/8/2022 8:17 AM

To: Agendadesk <[REDACTED]>



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**From:** Richelle Shimada <[REDACTED]>

**Sent:** Tuesday, February 8, 2022 7:04 AM

**To:** City Clerk <[REDACTED]>

**Subject:** I STRONGLY OPPOSE THE GUN Ordinance

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I STRONGLY OPPOSE THE GUN Ordinance. Stop trying to trample on 2nd amendment

An SJ citizen

Sent from my iPhone

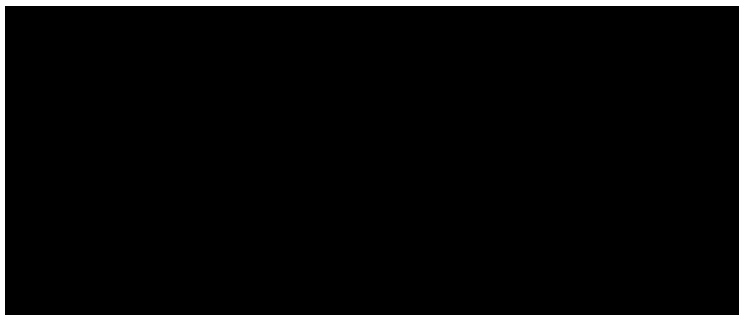
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## Fw: Objection to Gun Liability Insurance and Fee

City Clerk <[REDACTED]>

Tue 2/8/2022 9:05 AM

To: Agendadesk <[REDACTED]>



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**From:** Adam Tanner <[REDACTED]>  
**Sent:** Tuesday, February 8, 2022 8:31 AM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Objection to Gun Liability Insurance and Fee

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I am writing in opposition to gun liability insurance and fee ordinance. First, this ordinance directly impacts low income and minorities disproportionately who live in more dangerous areas of the city and are more likely to require access to firearms. Second, this ordinance is passed at a time where raising crime rates are increasing as is the interest in owning firearms which does not seem politically astute. Third, requiring insurance or fees to exercise a constitutionally enumerated right is appalling. Fourth, this ordinance in no way prevents the acquisition of firearms by criminals or other individuals who are restricted from **accessing** them by law. Finally, this ordinance will immediately be met with lawsuits for which significant tax dollars will be used in litigation and will likely be defeated. Those funds should be more wisely used for the myriad of other issues facing the city. One of which, if the San Jose government is truly concerned with gun safety, could be gun ownership training and safety education to help ensure gun owners are knowledgeable in safe operation, care, and storage of any firearms they may own.

Adam Tanner



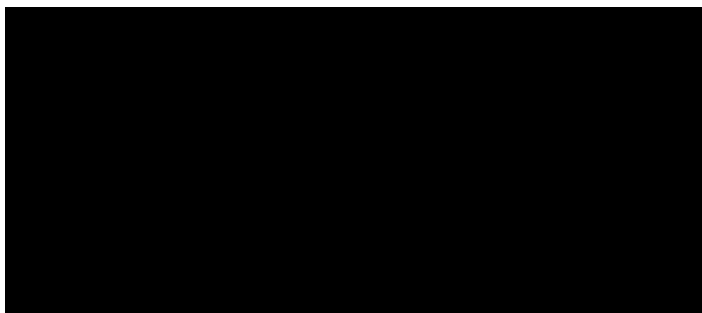
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## Fw: Gun insurance / gun fee ordinance

City Clerk <[REDACTED]>

Tue 2/8/2022 9:07 AM

To: Agendadesk <[REDACTED]>



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**From:** [REDACTED] <[REDACTED]>

**Sent:** Tuesday, February 8, 2022 8:31 AM

**To:** City Clerk <[REDACTED]>

**Subject:** Gun insurance / gun fee ordinance

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Please advise my district 8 council woman that I request that she vote NO on this proposal...very unfair to the law abiding citizens of the San Jose community.

Gun ownership is a RIGHT...! Not a privilege. Your responsibility is to protect constitutional rights and not to undermine them....please reconsider your past actions regarding this ordinance...

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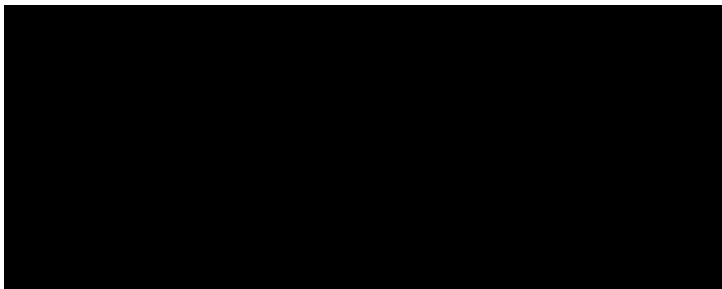


## Fw: Gun Harm Reduction Ordinance

City Clerk <[REDACTED]>

Tue 2/8/2022 9:15 AM

To: Agendadesk <[REDACTED]>



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**From:** Jess B. Guy <[REDACTED]>  
**Sent:** Tuesday, February 8, 2022 8:56 AM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Gun Harm Reduction Ordinance

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The Gun Harm Reduction Ordinance states that, "All monies from the Gun Harm Reduction Fee shall be expended by the Designated Nonprofit Organization on providing services to residents of the City who own or possess a firearm in the City,...". 10.32.220

How will the DNO know who has firearms?

Jess B. Guy  
[REDACTED]

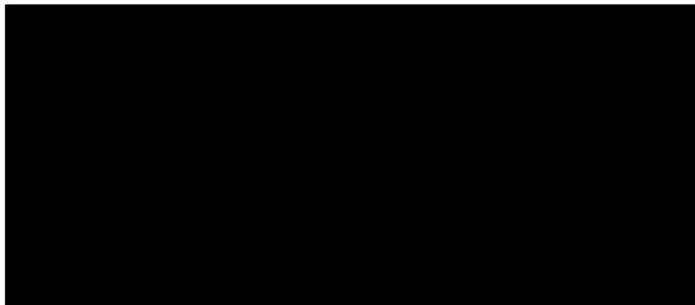
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**Fw: I OPPOSE San Jose gun liability ordinance!**

City Clerk <[REDACTED]>

Tue 2/8/2022 9:16 AM

To: Agendadesk <[REDACTED]>



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**From:** Jerry Brito <[REDACTED]>  
**Sent:** Tuesday, February 8, 2022 9:09 AM  
**To:** City Clerk <[REDACTED]>  
**Subject:** I OPPOSE San Jose gun liability ordinance!

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Understand that this will only punish responsible law abiding gun owners!

Criminals don't follow laws! Why is this so hard for you to understand?

You swore an oath to PROTECT our rights... and the 2nd Amendment specifically and bluntly says "SHALL NOT BE INFRINGED"!!! Honor your oath!

Jerry Brito, CSCS



"Fitness - If it came in a bottle everyone would be fit"

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# Bring Agenda Item 2.2 up for Discussion: Questions and Opposition regarding the Final Adoption of the Gun Harm Reduction Ordinance

Beau Radoicich <[REDACTED]>

Tue 2/8/2022 9:38 AM

To: City Clerk <[REDACTED]> Di trict1 <[REDACTED]> Di trict2 <[REDACTED]> Di trict3 <[REDACTED]>  
<[REDACTED]> Di trict4 <[REDACTED]> Di trict5 <[REDACTED]> Di trict 6 <[REDACTED]>  
<[REDACTED]> Di trict7 <[REDACTED]> Di trict8 <[REDACTED]> Di trict9 <[REDACTED]>  
<[REDACTED]> Di trict 10 <[REDACTED]> The Office of Mayor Sam Liccardo <[REDACTED]>  
<[REDACTED]>

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Hello,

Once again, I write to the San Jose City Council opposing the "Gun Harm Reduction" ordinance, which I've taken the time to do research on. **At a minimum I ask that a City Council request to move the proposed ordinance from the consent calendar to discussion, so that these issues can at least be heard before voting** Due to its multiple issues, there is no reason it needs to be passed today, leaving the ordinance to either be improved at a later date or opposed in general. I'll spare my introductions of myself that I gave last time.

## 1.) Section 10.32.230: The Paperwork Requirement

As I said last week, the paperwork requirement requires that the attestation form and proof of insurance is stored with the firearm when they are being stored and transported. This means that if example, a SJPD officer pulls someone over for a traffic violation (or perhaps a traffic violation as a pretextual stop), they get the driver's name and license, and then go back to their vehicle to run it through the system. The system, CLETS (California Law Enforcement Telecommunication System), has access to AFS (Automated Firearm System). At that point they can look up whether the person owns a firearm. Due to the vague language in 10 32 230, the officer may use that only reason as basis for asking people It also raises questions about what happens when an officer believes someone possesses a firearm but the person says they don't. There should be some standard that results in an officer asking for the presentation of such forms. However, let's set that aside as I go to the more dangerous issue.

The main issue: The officer asks someone if they have a firearm with them (for whatever reason, maybe they saw what they thought was a gun case), the person says yes, the officer asks for the paperwork. So the person reaches for the paperwork, **which means the ordinance compels people to reach for their firearm as that is where the paperwork is stored** If there's anything wrong with this ordinance, it's most definitely this point that is poorly conceived to compel people to reach for their firearm in front of an officer. I'll remind you of the killing of Philando Castile, a black man from Minnesota, on 7/6/2016. Philando Castile was killed by an officer when the officer allegedly thought that Philando was reaching for his firearm This began because Philando was a legal CCW holder and informed the officer that he

had his firearm on him. However, the officer believed he was reaching for his firearm, despite Philando saying otherwise, and shot him dead in front of Philando's girlfriend Diamond Reynolds and her four year-old daughter. This proposed ordinance has people reaching for towards their firearm in fact.

Even if we were to give the officer in the Philando shooting the benefit of doubt (which is another conversation) say perhaps the officer killed Philando as a result of poor training or inexperience, that brings up issues about the SJPd. As noted by San Jose Spotlight in October of last year, the SJPd has had multiple issues with retaining officers since the pension benefits dispute, and further that due to many factors it's hard to recruit new officers.

For reference [https://sanjosespotlight.com/san\\_jose\\_police\\_department\\_struggles\\_to\\_staff\\_up\\_cops\\_sjpd/](https://sanjosespotlight.com/san_jose_police_department_struggles_to_staff_up_cops_sjpd/)

In theory, this may mean that more officers in the SJPd are less experience and less trained, making them more prone to make mistakes in the presence of a person being compelled to reach towards their firearm as a result of this ordinance. Furthermore, according to the 2020 SJPd Use of Force Report, officers were 11% more likely to encounter Deadly Force Resistance by persons compared to the previous 5 years. See PDF Page 18.

<https://www.sjpd.org/home/showpublisheddocument/686/637661722881030000>

This means that officers are more likely to be extra nervous around persons reaching towards their firearms than previous years, due to the alleged higher threat of deadly force indicated in SJPd's own report.

For these reasons, **this ordinance creates a cocktail of deadly circumstances**. At a minimum this language must be changed so as to prevent San Jose from creating more deaths like those of Philando Castile, and also to prevent putting officers in these dangerous situations. However, I'd suggest pushing the passage of this ordinance back so that it can be worked on, if not opposed in general

In this example I used an officer pulling someone over in a vehicle, but the situation can very well apply to anyone transporting a firearm by public transportation, foot, bicycle, or other means.

## 2.) Section 10.32.225(C): The "poor exemption".

First off, I appreciate that the exemption for the poor has been amended from its previous state, as the previous exemption seemed to only use the poor as a mere token to shield the ordinance from litigation, given that many of those who were below the requisite Poverty Level in CA GOV 68632(a) & (b) could barely afford to live in San Jose. I still want to see the details as to who will qualify, and quite frankly that should be further clarified in the ordinance, as those with low incomes should not be priced out of their rights

I want to point out though that Mayor Liccardo has stated that those who are exempt will be required to fill out the attestation paperwork. **This is not stated in the ordinance**. Instead, under 10.32.225, all those who are exempt are exempted from the whole Part (that is the whole ordinance), meaning that they do not have to fill out any paperwork. While I have feeling that the officers will easily find that other officers and CCW holders (as CCW holders are very few and most likely City Officials, the politically connected, or the rich, or in the case of Santa Clara Sheriff office: Those who paid for CCW permits with campaign donations), if the poor do not have said paperwork, then it puts them in a situation where the Police Officer has to decide to believe them or think that their lying. This also puts the police officer in a bad situation, given that depending on how the statistics lay out they may be accused of profiling when deciding who to believe about the exemption and who not to believe.

For these reasons, the exemption language needs to be changed, so as to defend the poor from harassment, and to not put police officers in a terrible position

### **3.) 10.32.200(B)(7): Findings on annual gunfire deaths.**

In this case we're referring to the report by PIRE, as presented in the Supplemental Memorandum on 1/19/2022:

<https://sanjose.legistar.com/View.ashx?M=F&ID=10413284&GUID=89193E7F-B8CF-4BA5-B995-8D155A223F64>

I've actually contacted PIRE regarding that report; Drs. Miller, Swedler and Lawrence were very helpful and willing to answer questions, and I appreciate that greatly. Further, I'm not an expert in these matters, so I cannot judge the validity of the report, but I assume that it was calculated correctly, and I have no reason to doubt the validity of the calculations

What I do have a concern on is how the Mayor Liccardo has the report used in context. The report shows Table 1 on PDF page 4, which lays out the various deaths and injuries that lead to the 206 annual deaths and injuries by gunfire per year. Notable in that is the "Assault/Homicide/Legal Intervention" box. Legal interventions are deaths and injuries caused by Law Enforcement, as confirmed by PIRE. They have assured me that the amount caused by Law Enforcement is a small amount, but could not specify as according to the agreement on access to their data they had to take precautions to not identify specific people. I was also assured that the Table 1 numbers were not used for any of the other calculations in the report. In the proposed amendments of the ordinance, this specific 206 annual deaths and injuries by gunfire is being incorporated into the ordinance.

Given that law enforcement is exempt from the ordinance, that means that this 206 number should be modified, given the context of the ordinance. I propose one of the following solutions:

- A.) Have PIRE recalculate the general 206 number, excluding Legal Interventions. Only recalculating the general number will not result in identification of persons in the study.
- B ) Qualify the findings by saying that it includes Law Enforcement even they're exempt from the ordinance.
- C.) Not exempt Law Enforcement, have city kick in an annual fee for each Law Enforcement Officer to the non-profit, while also insuring each officer against accidental gunfire harm the same as the rest of the residents and prohibiting qualified immunity in civil cases, so that residents can recover damages when necessary.

### **4.) Where's the report on Insurance Requirements and Estimated Costs?**

Council Members have asked Mayor Liccardo before about what kind of insurance is needed and how much it costs, and he's only given vague assurances, along with no specific numbers. He took the time to have PIRE do a report on the "Incidence and Cost of Firearm Injuries in San Jose, CA", yet why isn't there a report on how much it will cost for people to meet the insurance mandate? How much will it cost Home Owners and Renters Insurance holders to have a compliant "rider"? How many insurance plans won't cover this at all, as there has been confusion on this point brought up in previous City Council discussions. The only defense that Mayor Liccardo has given is that they've done research before and he'd share his notes with the City Council. Not shared publicly, mind you, and not a report.

The people should know how much this ordinance is going to cost them. Furthermore, the estimated costs should be known before it becomes an ordinance. It's quite expected that insurance companies, finding that San Jose now requires resident gun owners to have insurance meeting the insurance mandate, may unfairly raise insurance prices on San Jose residents. Without a report establishing what

the costs are and what options existed at the time of the passing of the Ordinance, San Jose negligently leaves the door open for Insurance Companies to ride roughshod on San Jose residents.

A report should be conducted with just as much or more expertise as was done on the PIRE report, so that the residents can be assured as to what can be expected. Otherwise, this ordinance is being passed blind, allowing for possible unrestrained price hikes on San Jose residents.

**5.) This ordinance is only a Political Minimum Viable Product at best when it should be a comprehensive plan.**

At this point I'm going to talk about whether you should pass this ordinance at all. There are multiple issues with this ordinance.

**A.) Prop 26**

Constantly throughout the meetings, Mayor Liccardo talks about Prop 26 compliance, and many times accidentally referred to the fees as taxes; having to correct himself and specify to others that it is not a fee and tax. The ordinance is also structured so that a "fee" goes to fund a "service" that is then returned to those households paying the fee only.

Prop 26 made a number of changes to the California Constitution, and in this case, I'll refer to Article XIII C of the California Constitution:

[https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=XIII%20C](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=XIII%20C)

The reason that Mayor Liccardo structured it this way is that Article XIII C Section 1 defines a "General Tax", a "Special Tax", and "tax", along with what is not considered a "tax". If this were a tax instead of a fee, it would be a "Special Tax". However, one of the exemptions to being a tax is Section 1(e)(1), stating the following:

(e) As used in this article, "tax" means any levy, charge, or exaction of any kind imposed by a local government, except the following:

(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

Alright, so by doing that it's not considered a tax. But what if he chose to just make it a tax instead? Well... according to Article XIII C Section 2, Mayor Liccardo and the City Council would instead put the proposed ordinance as a local ballot measure before the local residents. Prop 26 only changes the constitution so that local taxes be voted on by the local residents it affects. By having it put forward to a vote by the people, the city could have this ordinance passed as a tax to fund general services, as opposed to this weird "fee" system that funds services that most gun owning residents are unlikely to use (putting the fee itself in jeopardy).

For whatever reason Mayor Liccardo is riding this exemption and avoiding taking this ordinance as a ballot measure before the people that this ordinance will affect. He'd be better served by doing that, given the ordinance taxation and funding would be much less restricted if he and City Council did so. I've never heard Mayor Liccardo been asked or heard him make the case on why it shouldn't be taken as a ballot measure before the people; at a minimum this question should be asked.

**B.) State Preemption and other legal challenges**

A lot of the wonkiness of this ordinance exists due to state preemption. The exemption for CCW holders only exists because the state regulates it. The whole spinning off the fees to be paid to a designated

non-profit, where the city holds no information on the gun owners and doesn't handle any of the money, is done due to state preemption on firearm databases. This is also why this wonky carrying of attestation papers and proof of fee payment, never to be verified by the city, exists, as issuing some sort of "card" would amount to a database apparently which state law preempts. The inclusion of an exemption for the poor only seemed to exist as a meant to shield it from litigation over taxing rights of those who cannot afford such taxes, though I'm glad that council members raised concern over how few San Jose residents fit within that exemption originally. It was then revealed in a later meeting that actually Law Enforcement wouldn't be able to seize firearms for non-compliance, and only be able to seize them for violating other laws; once again likely due to preemption.

Given all this preemption and how it cuts down on what this ordinance was originally pitched as, it leaves me asking what's the point of this ordinance?

### In Summary

Maybe a one of these things alone, along with the "fee for service" exemption being pursued, would make some ordinance that at least appears workable. **However, combined together, the ordinance is some sort of weird Rube Goldberg Machine of exemptions.**

In addition to this, City Council is being asked to pass an ordinance that is mostly incomplete. Most of the work isn't done on it, and given how much state preemption there is, especially since the ordinance was originally pitched as being able to take the firearms out of the hands of those breaking laws, when in fact the ordinance does not do that, only instead holding the firearms for longer MAYBE due to unpaid fees, we have to ask what is the point of this ordinance?

**What I see here is a Political Minimum Viable Product. It merely checks the boxes to barely skate by as something that might function as an ordinance, but in reality, it's a lot like homework that's turned at the last minute that's barely complete.** And now the City Council is being asked to pass this Minimum Viable Product. The question that should be asked is twofold: Why does this need to be passed? And more importantly: Why does it need to be passed today?

From what I can tell the only reason that this is being asked to be passed today is Mayor Liccardo is terming out as Mayor. I understand that his political career has been impacted by COVID, and as such most of the work that should have been done on this ordinance hasn't. However, all of his have dealt with COVID, and there's no reason that I see that this ordinance needs to be passed before the proper work is done except that Mayor Liccardo is terming out. However, there's no good reason it needs to be passed today.

If Mayor Liccardo truly believes in this ordinance, even if the work is not complete before his term ends, he can continue to work on it afterward as a well-connected member of the community, and there's no reason he couldn't take it as a ballot measure before the people, or up with the City Council and Mayor that sits after his term. San Jose will be here living with this ordinance long after Sam Liccardo is no longer mayor, and likely pursuing some attempt at Governor in 2026. As such, the passage of such an ordinance should not be made to fit Mayor Licardo's campaign timetable.

For these reasons, I ask City Council to, at a minimum, pull this from the consent calendar and bring it up for discussion. I'd also ask that they vote no on this ordinance today. While I oppose it in general on its premise, I believe at a minimum those in City Council can find that passing such an incomplete ordinance is folly.

Thank you for your time.

**Beau Radoicich**

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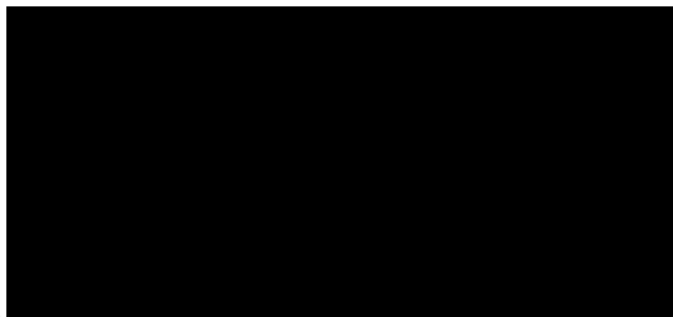


# Fw: Oppose Proposed New Gun Ordinance

City Clerk <[REDACTED]>

Tue 2/8/2022 9:39 AM

To: Agendadesk <[REDACTED]>



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**From:** [REDACTED] <[REDACTED]>

**Sent:** Tuesday, February 8, 2022 9:30 AM

**To:** City Clerk <[REDACTED]>

**Subject:** Oppose Proposed New Gun Ordinance

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[External Email]

San Jose City Clerk,

This is to communicate to you my opposition to the proposed new gun ordinance in the city of San Jose.

I have been a resident in San Jose for many years. I appreciate the effectiveness of our police and fire services protecting the public. I do not, however, believe this new gun ordinance should be ratified and request that it NOT be ratified.

I believe this new ordinance to be unconstitutional, in opposition to the US Constitution. I do not believe it will be effective, because criminals don't follow the law. There is no such insurance product available, and I do not believe insurance should be mandatory. And the proposed fee is simply an illegal tax which was not approved by the voter

I respectfully request that this new gun ordinance NOT be ratified.  
Thank you,

Erik

Erik Swerrie



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### For the Public Record 2/8/2022 Item 2.2

Jonathan Fleming <[REDACTED]>

Tue 2/8/2022 10:02 AM

To: City Clerk <[REDACTED]> Agendadesk <[REDACTED]>

📎 1 attachment (2 MB)

SJ Poll Tax 2822.jpg;

[External Email]

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[External Email]

Please include the attached in the public record for today's city council meeting.

Thank you and all the best,  
**Jonathan Fleming**  
CEO & Executive Director  
Silicon Valley Public Accountability Foundation

NOTICE: This email is confidential and is legally privileged to the original recipients only. If you have received it in error or are not the original recipient, you are on notice of its status, please notify the Silicon Valley Public Accountability Foundation immediately via e-mail ([REDACTED]) and then delete this message from your system. Do not copy, print, share, screenshot, forward, fax, discuss, or use it for any purposes, or disclose its contents to any other person as this could be a violation of local, state, and/or Federal laws. Thank you.

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# Taxing a Constitutional Right is Illegal and Wrong

THIS RECEIPT FOR VOTING IN THE YEAR 1964

ORIGINAL POLL TAX RECEIPT  
STATE OF TEXAS, COUNTY OF TRAVIS

1963 RECEIVED OF [REDACTED] No 13777  
Jan 31, 1964

Precinct No. 922	YEARS 23	Address [REDACTED]
Name [REDACTED]	Age 23	Occupation Student
State 6	Born at Illini	[REDACTED]
County 6	[REDACTED]	[REDACTED]
City 6	Native Born — Naturalized Citizen of the United States	

the Sum of One and 75/100 Dollars in payment of Poll Tax for the year, A.D. 1963. The said Tax Payer being duly sworn by me says that the above is correct. All of which I certify.

By Mrs. Claude Hill Deputy.  
Fritz Robinson  
Assessor and Collector of Taxes, Travis County, Texas

\$1.75 in 1963 equals \$18.04 in 2022

## San Jose is Taxing Residents \$25 - \$35 to Exercise Our Right

Fee payments or wealth  
are unrelated to a person's ability to  
exercise their right

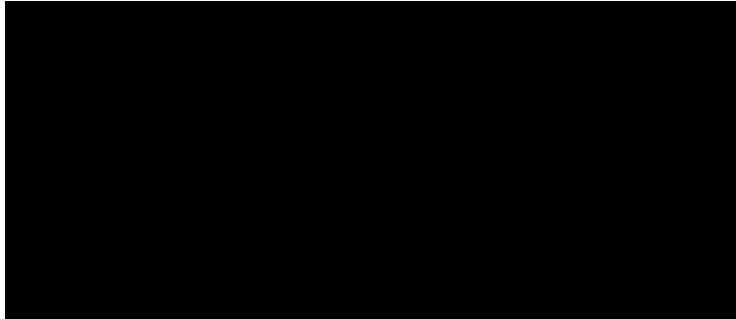
File 22-045 "Gun Harm Reduction Ordinance  
February 8, 2022

**Fw: OPPOSED TO GUN ORDNANCE**

City Clerk <[REDACTED]>

Tue 2/8/2022 10:12 AM

To: Agendadesk <[REDACTED]>



---

**From:** John Rainwater <[REDACTED]>

**Sent:** Tuesday, February 8, 2022 9:50 AM

**To:** City Clerk <[REDACTED]>

**Subject:** OPPOSED TO GUN ORDNANCE

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Good morning --

I would like to go on the record to formally oppose the proposed gun ordinance measure by the city of San Jose. One reason is that I don't think it would actually reduce gun harm in the city, nor the threat of gun violence. Not to mention by all measures it would be unconstitutional, clearly. I don't like it whenever city officials take matters into their own hands with respect to the law and think they are somehow exempt or above the law and the constitution, and with this gun ordinance that's what they would be doing. Nothing in this ordinance demonstrates to me that it would reduce gun harm across San Jose. Illegal gun owners will still prevail and those who comply and pay the tax to own their guns can still have a heated argument with their neighbor and shoot them through the skull. No amount of taxation will remove that as a potential threat to society.

This gun ordinance is not only NOT the answer to gun control, but also, it's a very bad idea to give non-profits unsupervised funds only introduces the potential for misappropriation of funds, nothing more along the lines of reducing gun harm.

This measure is a ridiculous proposal - can't we come up with good ideas anymore? This isn't one.

Respectfully,

John Rainwater

West San Jose, CA

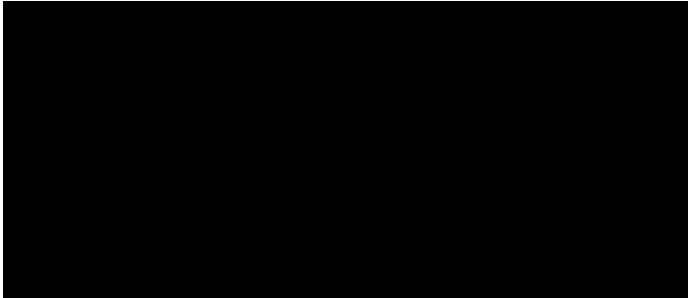
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## Fw: Do not institute gun control on law abiding citizens in San Jose

City Clerk <[REDACTED]>

Tue 2/8/2022 10:12 AM

To: Agendadesk <[REDACTED]>



---

**From:** Patrick Traynor <[REDACTED]>

**Sent:** Tuesday, February 8, 2022 9:42 AM

**To:** City Clerk <[REDACTED]>

**Subject:** Do not institute gun control on law abiding citizens in San Jose

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## Feb. 8th 2022 City Council Agenda Item 2.2 Gun Harm Ordinance Final Adoption

Matt Evans <[REDACTED]>

Tue 2/8/2022 10:15 AM

To: City Clerk <[REDACTED]>

[External Email]

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I object to this ordinance.

Sincerely,

Matt Evans  
[REDACTED]

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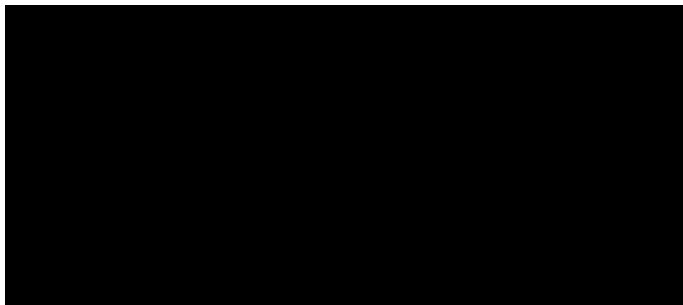


## Fw: Oppose liability insurance for gun owners

City Clerk <[REDACTED]>

Tue 2/8/2022 12:06 PM

To: Agendadesk <[REDACTED]>



---

**From:** Eric Kistler <[REDACTED]>

**Sent:** Tuesday, February 8, 2022 11:18 AM

**To:** City Clerk <[REDACTED]>

**Subject:** Oppose liability insurance for gun owners

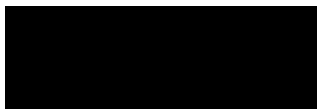
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[External Email]

I wanted to let you know that I'm strongly opposed to the proposal to require gun owners in San Jose to purchase liability insurance and pay fees to some "violence reduction initiative" or program. It may be a well intentioned proposal; however, the people that are the actual problem (violent criminals and the criminally insane) aren't going to follow this proposed ordinance, just as they do not follow other laws.

This is ridiculous. Law abiding gun owners should not shoulder the burden created by violent criminals, and 'taxing' me to exercise my rights is offensive to American principles of freedom and liberty.

Sincerely,  
Eric Kistler



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### Item 22 138 Gun Harm Reduction Comments

Dave Truslow <[REDACTED]>

Tue 2/8/2022 12:26 PM

To: CouncilMeeting <[REDACTED]> City Clerk <[REDACTED]>  
 Cc: District 10 <[REDACTED]> District9 <[REDACTED]> District8 <[REDACTED]> District7  
 <[REDACTED]> District5 <[REDACTED]> District 6 <[REDACTED]> District3  
 <[REDACTED]> District4 <[REDACTED]> District1 <[REDACTED]> District2  
 <[REDACTED]>

[External Email]

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[External Email]

1. Biannual reporting can mean twice a year or once every other year. I recommend twice a year to ensure the proposed program is delivering desired results.
2. The proposed ordinance should only fund evidenced based solutions. Otherwise virtually anything can be claimed to meet the criteria designated in 10.32.220 (C).
3. The proposal proposes to fund redundant services. Mental health and substance abuse treatment is available for free from Santa Clara County in multiple locations in San Jose and throughout the County. What is the justification to fund duplicate programs?
4. The ordinance is unprecedented and merits a sunset provision. I urge that it be revisited every two (2) years so that four (4) progress reports can be reviewed by council and the ordinance terminated if failing to make an impact and renewed if it is beneficial.

Best,  
 dave truslow  
 [REDACTED]

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## Feb. 8, 2022, Agenda Item 2.2 Gun Harm Ordinance Final Adoption (on consent calendar)

Elizabeth Brierly <[REDACTED]>

Tue 2/8/2022 12:28 PM

To City Clerk <[REDACTED]>

[External Email]

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Dear San Jose City Clerk

Please refer to my earlier e mail message with question about the eComments application having been shown as "not available" prior to today's deadline of 11:45 AM.

As promised, here are my remarks of <500 characters, about the gun ordinance on today's consent calendar.

-----  
Position: Oppose  
First name: Elizabeth C  
Last name: Brierly  
City: San Jose

Remarks of under 500 characters:

I'm a member of Libertarian Party of Santa Clara County, SCCLP.org, which opposes the gun ordinance on 2nd amend. & illegal tax grounds, etc. Forcing legal gun owners to pay a tax to a nonprofit likely violates the 1st amend.'s freedom-of-speech protection. Ignoring your sacred oath to defend the constitution, merely for the Appearance of Safety, is a mistake. For facts about proven methods to stop mass shootings, & evidence debunking myths about gun control, I suggest visiting GunFacts.info.

As I said in my earlier e-mail message, it's my fervent hope that you'll do the right thing and ensure my remarks are logged as part of the official meeting record

Thank you!

Sincerely,  
Elizabeth

~~~~~  
[Elizabeth C. Brierly](#)

[REDACTED]



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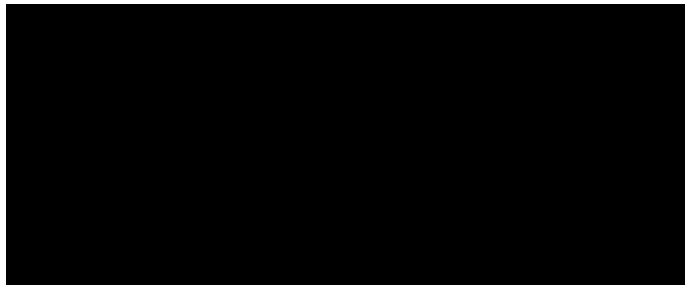
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## Fw: Intrusive and Useless Gun Bills

City Clerk <[REDACTED]>

Tue 2/8/2022 1:25 PM

To: Agendadesk <[REDACTED]>



---

**From:** Anne Malcolm <[REDACTED]>

**Sent:** Tuesday, February 8, 2022 12:40 PM

**To:** City Clerk <[REDACTED]>

**Subject:** Intrusive and Useless Gun Bills

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[External Email]

NO on your ridiculous and intrusive bills. Hold schools accountable for EDUCATING their wards in reading, writing, and arithmetic. If you can do that successfully then perhaps we can expand into other subjects such as fluency in a foreign language, advanced maths, history and so on.

Sincerely,

Anne Malcolm

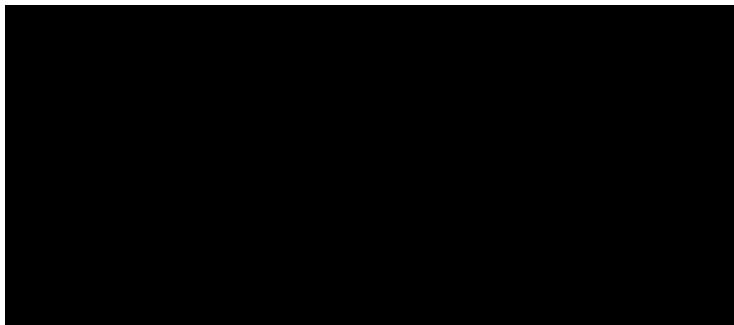
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# Fw: Stop unconstitutional gun insurance

City Clerk <[REDACTED]>

Tue 2/8/2022 2:52 PM

To: Agendadesk <[REDACTED]>



**From:** Scott Sa <scott[REDACTED]>  
**Sent:** Tuesday, February 8, 2022 2:43 PM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Stop unconstitutional gun insurance

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[External Email]

Hello,

My name is Scott Anthony,

As a native born resident of San Jose I ask you to stop this unlawful activity of asking or requiring gun owners to buy insurance that doesn't even exist !

This ordinance is unconstitutional in the first place! this is a ridiculous city ordinance and will be challenged in court!

I ask you to stop before you waste much of of taxpayers money and time

why are you making law abiding citizens pay for the crimes of others ?? the city needs to deal with other issues first this is ridiculous ordinance and should be removed immediately !!!! stand against this and will pose it any juncture.

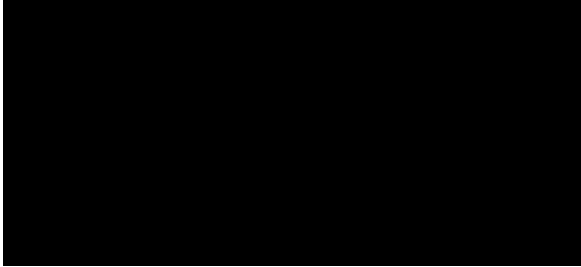
This city government makes everything about revenue !!!

Making everything about revenue is the problem and not the solution larger government doesn't fix anything !!!!

instead of fixing its own problems and how it spend its money it looks for more revenue - whyyyyy!!  
this is just a travesty of justice and the greedy greedy city that is corrupt doing the same thing all over  
again,

Stop

Scott Anthony



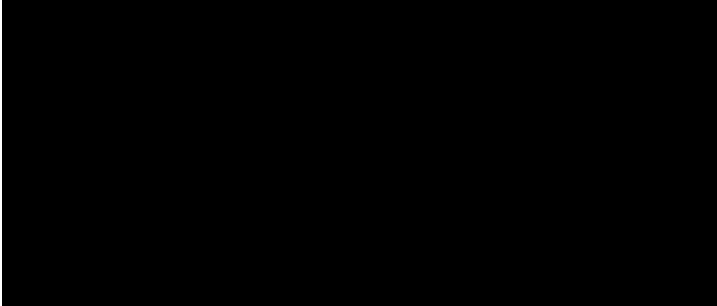
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**Fw: Gun Fees**

City Clerk &lt;[REDACTED]&gt;

Tue 2/8/2022 2:52 PM

To: Agendadesk &lt;[REDACTED]&gt;



---

**From:** jeff cullins <[REDACTED]>**Sent:** Tuesday, February 8, 2022 2:05 PM**To:** City Clerk <[REDACTED]>**Subject:** Gun Fees

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[External Email]

This is a ridiculous and blatant attack on the Second Amendment. What part of "Shall Not Be Infringed" is hard to understand?

You are demanding lawful gun owners pay a fee (tax) to what is undoubtedly an as-yet undisclosed anti-gun organization.

When rioters burned police cars and buildings, were they charged and prosecuted? No.

When violent felons ran over pedestrians with their vehicles, were the auto manufacturers sued? NO

Why should lawful gun owners have to literally PAY for the violent felons' deeds?

I presume the council also believes suing a gun manufacturer due to a violent felon's actions is also ok.

There is absolutely no logic to that line of thought.

Your gun fee/liability insurance requirement is not only ridiculous, it likely will be tossed out after the pending lawsuit is heard.

Put some effort into actually prosecuting criminals instead of letting them back out on the streets where they continue to hurt, harass, and maim the good citizens of San Jose.

Jeff Cullins

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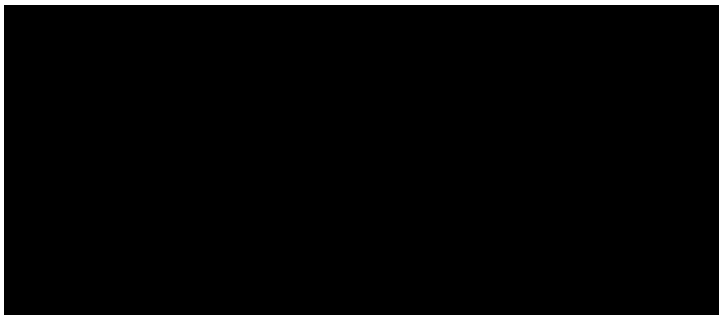


### Fw: Vote NO Gun Harm Reduction Ordinance, Public Record

City Clerk <[REDACTED]>

Wed 2/9/2022 6:35 AM

To: Agendadesk <[REDACTED]>



**From:** Larry Schultz gmail <[REDACTED]>

**Sent:** Tuesday, February 8, 2022 6:04 PM

**To:** CouncilMeeting <[REDACTED]> Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]> Peralez, Raul <[REDACTED]> Cohen, David <[REDACTED]> Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]> Mahan, Matt <Matt.Mahan@cityofsanjose.org> Liccardo, Sam <[REDACTED]> City Clerk <[REDACTED]> District1 <[REDACTED]> District2 <[REDACTED]> District3 <[REDACTED]> District4 <[REDACTED]> District5 <[REDACTED]> District 6 <[REDACTED]> District7 <[REDACTED]> District8 <[REDACTED]> District9 <[REDACTED]> District 10 <[REDACTED]> The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@cityofsanjose.org>

**Subject:** Vote NO Gun Harm Reduction Ordinance, Public Record

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[External Email]

I am writing to inform you of my objection to the proposed changes to Chapter 10 of the San José Municipal Code as defined in the Gun Harm Reduction Ordinance Memorandum dated January 14, 2022, heard on January 25, 2022 as Item 4.1 and voted in. **I urge you to VOTE NO on this item in February.**

Item 4.1 proposes unlawful and unenforceable changes to the Municipal Code which will not stop gun violence in San José. Legal owners of firearms will be unduly punished because, by definition, they are the only people that will be impacted by these proposals.

Taxing and isolating a group of people purely based on their decision to embrace an enumerated constitutional right is discriminatory.

### **Proposed Change: 10.32.210 Liability Insurance Required**

"Specifically covering losses or damages resulting from any negligent or accidental use of the Firearm, including but not limited to death, injury or property damage."

- Negligent use of a firearm is defined in CA Penal Code 246.3 as someone who willfully discharges a firearm (pulls the trigger intentionally) which could result in injury or death to a person.
- The City Council is requiring firearm owners to purchase insurance for intentionally pulling the trigger of a firearm to harm life and/or property, which is already defined as a serious violent crime.
- This type of insurance does not exist and if it did, would be so cost prohibitive that it would place an unconstitutional barrier to the free exercise of the Second Amendment.
- Lawmakers are allowed to approve the ordinance without defining the insurance coverage type and limits, having up to six months after the vote to define it.
- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) established that the government "may not impose a charge for the enjoyment of a right protected by the federal constitution."

### **Proposed Change: 10.32.215 Annual Gun Harm Reduction Fee**

"A person who resides in the City and owns or possesses a Firearm in the City shall pay an Annual Gun Harm Reduction Fee to the Designated Nonprofit Organization each year."

- San José is taxing gun owning, law abiding residents and visitors for the illegal actions of criminals.
- The City is creating a law which forces gun owners to financially support a business they may not agree with.
- The City Council is opening the floodgate for corruption, allowing former City employees to sit on the board of this nonprofit to be paid using additional monies from taxpayer dollars in the form of City grants. No former city employee should ever be allowed to sit on this board.
- What is the fee? Lawmakers are allowed to approve the ordinance without defining the fee and have up to six months after the vote to define it.
- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) the Supreme Court ruled that "since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state [or municipal] authority, the inquiry as to whether the State [or Municipality] has given something for which it can ask for a return is irrelevant."

### **Proposed Change: 10.32.245 Impoundment**

"The Firearm or Firearms of a person that is not in compliance with this Part may be impounded subject to a due process hearing."

- Violation of the proposed changes will most likely result in an infraction.

- State law only allows for the impoundment of firearm for a felony or one of 20 defined violent misdemeanors. Infractions do not reach the state threshold requirement to legally confiscate and/or impound property.
- Because the ordinance improperly compares the Second Amendment right to the privilege of owning a car for justification of these changes:
  - California state law does not grant peace officers the authority to impound a vehicle on site for lack of insurance and requires a minimum of six months registration expiration before they can impound a vehicle [CVC 16028(a-c) and CVC22651(o)].

### **Focus on Real Solutions to Stopping Gun Violence**

Our elected officials need to address the criminals who commit violence in our city and the solution to this problem should not be to punish the innocent law-abiding residents of San José. Please look at taking the following actions to stop gun violence:

1. Have the city council write and approve an amicus curia resolution to send to the California Assembly and Senate to repeal Propositions 47, 57, and AB109
2. Establish the Gun Harm Reduction Commission (GHRC) pilot program with balanced community representation
3. Enforce and prosecute existing gun laws
4. Support recommendations 1 through 5 of the 9/16/2021 Rules and Open Government Committee memorandum entitled, "Community Violence Prevention & Response"
5. Fund attorneys that will prosecute gun crimes in the county
6. Hire more police officers
7. Build mental health hospitals and fund sobriety programs

Yours Sincerely,  
Your Constituent  
Larry Schultz

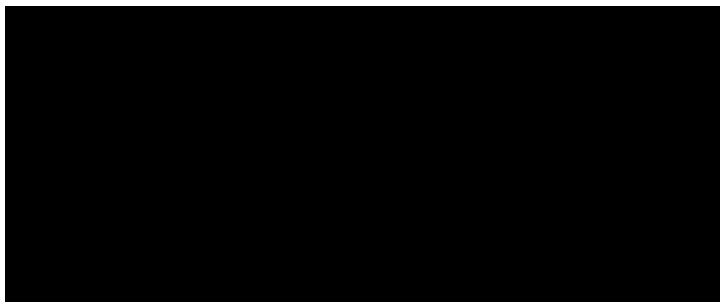
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## Fw: San Jose Gun Liability Tax

City Clerk <[REDACTED]>

Wed 2/9/2022 6:36 AM

To: Agendadesk <[REDACTED]>



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**From:** Marduk Zaya <[REDACTED]>

**Sent:** Tuesday, February 8, 2022 5:21 PM

**To:** City Clerk <[REDACTED]>

**Subject:** San Jose Gun Liability Tax

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What is our constitutional right to bare arms for?

Let me answer that for you.

“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.”

Does it make any sense tallow my government to tax a law-abiding American’s guns which are meant to protect him from government over-reach and secure his Free State?

This is 100% unconstitutional and will be fought in the court of law.

How will this reduce gun crime? Most of the people who actually shoot somebody outside of their own home obtain their firearms illegally. You think they are going to pay this tax? Definitely not. Once again you are penalizing a law-abiding American for the problems of criminals.

I'm disgusted.

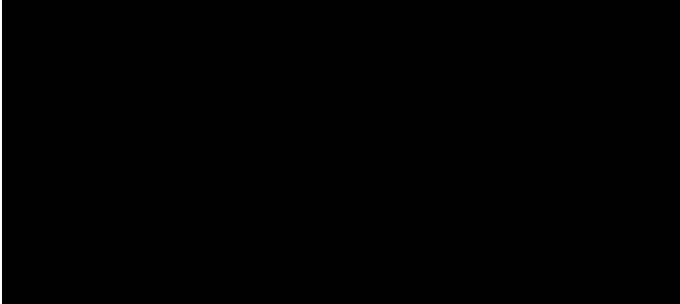
-Marduk Zaya

**Fw: Comment of Item 22 138, Ordinance No. 30716**

City Clerk &lt;[REDACTED]&gt;

Wed 2/9/2022 6:38 AM

To: Agendadesk &lt;[REDACTED]&gt;



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**From:** Steven Wells <[REDACTED]>**Sent:** Tuesday, February 8, 2022 9:31 AM**To:** City Clerk <[REDACTED]>**Subject:** Comment of Item 22-138, Ordinance No. 30716

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This is in comment to Item 22-138 and the nefarious Ordinance No. 30716.

In 2008, as a San Jose resident, I ran for the US House of Representatives. That year, I observed the San Jose City Council knowingly engage in fraud, deceit, theft, and abridgement of the California Constitution. The incident then involved adding an illegal administrative fee (a tax on a tax) as an addendum to the standard business tax. The matter of the fee had been brought to trial in San Diego, who among other jurisdictions, had perpetrated the same scheme. The court ruled that such a fee is in violation of the Constitution of the State of California. Rather than acting honorably by refunding the ill-gotten money to the victims, the City of San Jose chose to withhold the money and only refund the theft to those already-known victims who filed against the fraud. Even then, the City set up a system by which an attempt to obtain their money involved a check issuance fee that negated most of the payment's value. Only a year's delay to pay against the next year's business tax was available, enabling the City to use the interest and value of the money instead of use by its rightful owners.

Now, in 2022, the City Council plans to steal money from law-abiding citizens and inflict other impediments, infringing on rights explicitly enumerated in the US Bill of Rights. With a plethora of specious statistics and "whereas" pronouncements, the City offers the pretext of infringing on the rights and lives of free citizens in supplication to suicidal fools who so devalue life that they will sacrifice their own lives in the gain of nothing. That, and some prattle about car airbags, is intended to abridge our 2nd Amendment rights. You know that this ordinance is wrong and unconstitutional. Do you intend to apply the Ordinance by using some illegally derived firearms registry to storm the homes of peaceable citizens?

I caution the City Council to recall that the United States of America was created on the chief defensive goal of sending tax collectors and tyrants to their doom. Many who value their lives and their freedom retain their

American heritage

In the spirit of our ancestors and our freedom, I peacefully ask that the Council quash this freedom killing law, which would certainly produce well-deserved Constitutional challenges.

Or do you intend to continue a history of San Jose fraud, deceit, theft, and Constitutional abridgement?!

**Steven Wells**



2008 Candidate for the US House of Representatives, California District 16

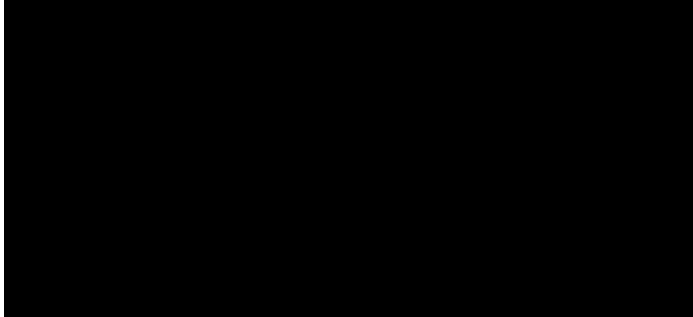
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## Fw: Oppose Public Safety Gun Harm Reduction Ordinance

City Clerk <[REDACTED]>

Wed 2/9/2022 6:59 AM

To: Agendadesk <[REDACTED]>



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**From:** Chase <flatt[REDACTED]>

**Sent:** Thursday, January 20, 2022 7:28 AM

**To:** City Clerk <[REDACTED]>

**Subject:** Oppose Public Safety Gun Harm Reduction Ordinance

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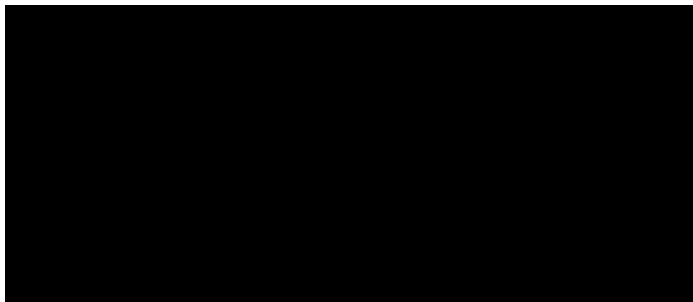
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## Fw: Oppose Public Safety Gun Harm Reduction Ordinance

City Clerk <[REDACTED]>

Wed 2/9/2022 7:00 AM

To: Agendadesk <[REDACTED]>



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**From:** Ray froess <[REDACTED]>

**Sent:** Wednesday, January 19, 2022 6:16 PM

**To:** City Clerk <[REDACTED]>

**Subject:** Oppose Public Safety Gun Harm Reduction Ordinance

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You want to tax us to pay for your incompetence in enforcing the laws, sanctuary cities, no-ball policies, soft on illegals, and other stupid behavior? Do your job to protect the citizens instead of protecting the criminals or resign.

Ray Froess  
[REDACTED]

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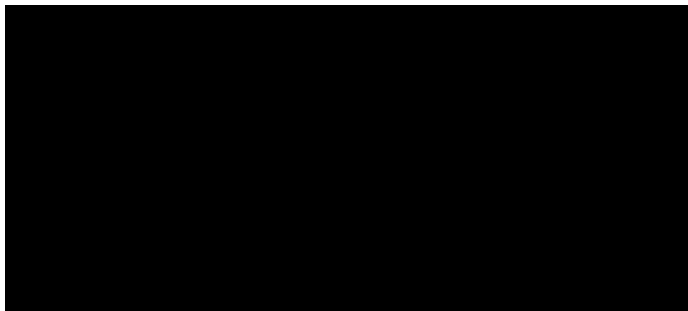


## Fw: Oppose Public Safety Gun Harm Reduction Ordinance

City Clerk <[REDACTED]>

Wed 2/9/2022 7:00 AM

To: Agendadesk <[REDACTED]>



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**From:** Tim Stewart <[REDACTED]>

**Sent:** Wednesday, January 19, 2022 3:54 PM

**To:** City Clerk <[REDACTED]>

**Subject:** Oppose Public Safety Gun Harm Reduction Ordinance

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Stop the madness

Sent from my iPhone

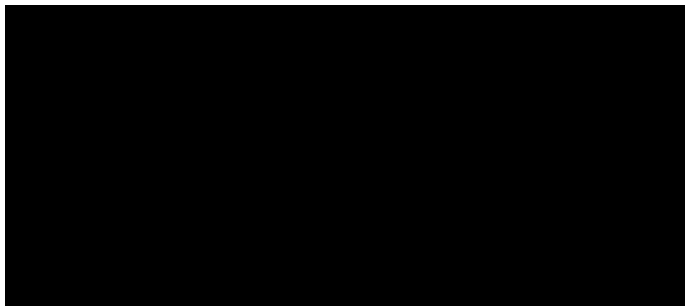
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## Fw: Liability Insurance for Legal Gun Owners

City Clerk [REDACTED]

Wed 2/9/2022 1:03 PM

To: Agendadesk [REDACTED]



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**From:** KIM KENNEDY [REDACTED]

**Sent:** Wednesday, February 9, 2022 9:30 AM

**To:** City Clerk [REDACTED]

**Subject:** Liability Insurance for Legal Gun Owners

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Why punish legal gun owners? Enforce better back ground checks. This mandate seems unconstitutional.

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