



Council Policy Prioritization: Early Consideration Response Form

Department City Manager's Office
Department Rep. Name Lee Wilcox
Policy/Ord. Subject Gun Control Measures

District Citywide Date 8-21-19 G(3)
Dept. Rep. Ext. 408.535.7998
Council Member Sponsorship Mayor Liccardo, Vice Mayor Jones, Councilmember Perez

Staff Recommendation

- ☒ GREEN The Administration can implement this Nominated Idea under its current workplan.
- ☒ UNDERWAY (This item is already underway.) ☐ REFER TO COUNCIL FOR ACTION OR ADDITION TO DEPT. WORKPLAN
- ☒ YELLOW The Administration recommends Council send this Nominated Idea to the Priority Setting Process.
- ☐ RED The Administration recommends Council not adopt this Nominated Idea
- ☐ NEEDS CLARIFICATION OR MORE TIME TO EVALUATE.

Criterion to Determine Scale of Project Complexity

Project complexity is determined by scoring the project in each of the 3 criteria below and then summing the score.

a. Low Complexity is a sum of 6 or less.

b. Medium Complexity is a sum of 7 - 9

Total Score = **13**

c. High Complexity is a sum of 10 or greater.

DEPT. Required	Scoring Criterion	Low Complexity			Medium Complexity			High Complexity		
		Estimated Duration	6 - 9 months	<input type="checkbox"/> =1	9 - 18 months	<input checked="" type="checkbox"/> =2	> 18 months	<input type="checkbox"/> =3		
		Organizational Complexity	Already in Department Workplan or Can Easily be Absorbed into Existing Workplan	<input type="checkbox"/> =1	Planned Work (Future)	<input type="checkbox"/> =2	Work Not Currently Proposed	<input checked="" type="checkbox"/> =3		
		(Internal)	Have staff with required skillset/knowledge	<input type="checkbox"/> =1	Have staff with required skillset/requires moderate research	<input type="checkbox"/> =2	Do not have staff with required skillset/requires significant research	<input checked="" type="checkbox"/> =3		
			≤ 2 Staff required	<input type="checkbox"/> =1	3 - 4 Staff required	<input type="checkbox"/> =2	> 5 Staff required	<input checked="" type="checkbox"/> =3		
		(External)	1 Additional Departments	<input type="checkbox"/> =1	2 Other Department Involved	<input checked="" type="checkbox"/> =2	3 or more Depts Involved	<input type="checkbox"/> =3		
		<input type="checkbox"/> Airport	<input type="checkbox"/> Housing	<input checked="" type="checkbox"/> CMO	<input type="checkbox"/> OED	<input type="checkbox"/> PRNS	<input checked="" type="checkbox"/> PD	<input type="checkbox"/> PBCE		
		<input checked="" type="checkbox"/> CA	<input type="checkbox"/> ES	<input type="checkbox"/> DOT	<input type="checkbox"/> LIB.	<input type="checkbox"/> PW	<input type="checkbox"/> FD	<input type="checkbox"/> EM		

Analysis

Staff recommends yellow-lighting the majority of the recommendations contained in this memo, but has identified some recommendation components that can be greenlighted. Each recommendation is discussed below.

Memo Recommendations 2, 3 and 4

Tasks: Explore and, if feasible, develop a gun owner insurance requirement or gun owner fee program, complete with enforcement mechanisms.

Staff Recommendation: Yellow Light

Discussion: Evaluation of an insurance- or fee-based approach to gun violence harm reduction would require a significant level of staff effort. Tasks would include legal research and insurance market research, and, if a feasible strategy is identified, significant program and ordinance development, including a potential nexus study. Due to the size and complexity of this project, staff recommends a yellow light for these recommendations.

Memo Recommendation 5

Tasks: Develop draft ballot language for a tax on firearms and ammunition, poll on the ballot language, and engage with other jurisdictions to explore a regionally uniform tax.

Staff Recommendation:

- Green Light for developing and polling ballot language.
- Yellow Light for engaging with other jurisdictions on a regionally uniform tax.

Discussion: The Administration is already preparing to poll on potential ballot measures this fall. Staff can accommodate polling on a firearms and ammunition tax measure as part of this existing work, and therefore recommends greenlighting that portion of the recommendation. Based on past experience coordinating with other jurisdictions on a uniform approach to the minimum wage, staff believes that leading similar coordination on a uniform firearms and ammunition tax would require a significant level of staff effort. The inter-jurisdictional coordination portion of the recommendation is therefore recommended for a yellow light.

Memo Recommendation 6

Tasks: Add language to the City's legislative program regarding support for an insurance- or fee-based approach to gun violence harm reduction and engage in legislative advocacy on those topics.

Staff Recommendation:

- Green Light for adding language to the City's legislative program and for engaging in advocacy in support of a state tax approach and other gun control legislation currently under consideration at the State and Federal level.
- Yellow Light for City-sponsored legislation that would remove barriers to local preemption of an insurance- or fee-based approach.

Discussion:

The Administration recommends a green light for adding language on gun violence harm reduction to the City's legislative program. The Council-adopted 2019 Legislative Program includes a gun violence reduction policy position that supports "efforts to reduce gun violence and support school safety, such as AB 2888 which would make it easier for employers, co-workers and teachers to request a gun violence restraining order." The Administration proposes adding the following language to the policy position: "Support a state tax, insurance - or fee-based approach to gun violence harm reduction and urge legislation that removes local preemption."

The Administration also recommends a green light for staff to engage in advocacy on the state tax portion of the harm reduction program, as well as on other gun control legislation currently being considered at the state and federal levels. At the state level, this would include conversations and advocacy with the Governor and key legislators around gun legislation, including AB 18 (Levine), which would establish a statewide excise tax on guns and ammunition. At the federal level, the House is returning early to hold a hearing on September 4th on H.R. 1186 from Rep. Ted Deutch (D-FL) which would ban high-capacity magazines, and H.R. 1236 from Rep. Salud Carbajal of California (D-CA) which would incentivize states to establish a process to prevent people deemed "a risk to themselves or others" from obtaining a firearm. The Administration proposes to work closely with our federal representatives on these efforts.

The Administration recommends a yellow light for sponsoring legislation that would remove barriers to local preemption of an insurance- or fee-based approach. Such legislation would require additional legal analysis of the barriers and time to develop a legislative solution. The Administration recommends considering insurance or fee legislation as part of the work around exploring an insurance or fee policy at the City, which is recommended for a yellow light, as discussed above. If Council decides through the priority setting process to move forward with an insurance- or fee-based approach, the Administration will work on a legislative remedy, if needed.

Memo Recommendation 7

Tasks: Evaluate a Consent-to-Search Program for juveniles and a Gun Bounty Program

Staff Recommendation: Yellow Light

Discussion: Development of these programs would require significant staff effort, including legal and policy research, coordination with other agencies, program design, and evaluation of the need for additional budget resources. For this reason the Administration recommends a yellow-light for this recommendation.