

Fw: 6/15/21 agenda item 4.2

City Clerk <city.clerk@sanjoseca.gov>

Fri 6/11/2021 8:32 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: Wallace Gardner [REDACTED]
Sent: Thursday, June 10, 2021 6:21 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: 6/15/21 agenda item 4.2

[External Email]

I read the firearms ordinance to be presented at the meeting.

All this will do is drive up the costs for the retailers which they will pass on to the consumer who will take his business out of town costing jobs and taxes. Much as I would like to see people who illegally buy/sell or use firearms locked up for the longest legal time I don't think this will result in any arrests, convictions or anything positive.

I have never heard of anyone being arrested for participating in "straw sales." This will put an additional burden on our overstretched police force. I don't blame the police department for problems. They are underfunded and don't have enough officers for anything but the worst offenses. I see people running red lights, jay walking, riding bicycles on the wrong side of the street, etc..

I have called in a person setting off explosives within a block or so of my home to no avail. This person usually does it on weekends. The explosion has enough force to set off car alarms on my street. Some times it will happen once in a day or evening, sometimes it will happen 2 or 3 times at 1/2 to 1 hour intervals. I live on [REDACTED]. Between [REDACTED]. I believe the noise is coming from Sierra Rd. But, one of my neighbors thinks it's coming from Vincy Park. There aren't enough officers to station one out here to wait for it to happen.

Respectfully,

Wallace S. Gardner



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Fw: Support for San Jose gun shop ordinance- Agenda item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Fri 6/11/2021 8:32 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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How is our service? [Please take our short survey.](#)

From: Susie MacLean [REDACTED]**Sent:** Thursday, June 10, 2021 5:29 PM**To:** City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Subject:** Support for San Jose gun shop ordinance- Agenda item: 4.2 21-1393

[External Email]

Dear Mayor and Council members,

I am a physician interested in a public health approach to reduce firearm injury and death. I support the ordinance updating gun shop regulations that will be discussed by the San Jose City Council on June 15.

Suicide Prevention: I strongly support efforts to partner with gun shops to reduce firearm suicide. Requiring gun shops to post materials about suicide prevention is a good first step. My hope is this would educate the gun shop owners, employees and eventually their customers about the following facts: Most suicide attempts are impulsive acts with the time between decision to taking action usually only minutes to hours. If the individual survives most survive long term and do not go on to die by suicide. However if the individual at risk uses a firearm in their suicide attempt the death rate is 90%. When firearms are used there is no opportunity to recover from the temporary crisis that led to the suicidal impulse. There are inspiring stories about gun shops working with public health professionals to raise awareness about preventing firearm related suicide. I urge you to watch the entirety of this 9 minute video: <http://www.sprc.org/video/reducing-access-to-means>

Reviewing the other proposals in this ordinance, my first question was what problem are you trying to solve with this proposal?

And I think the answer is there is a **need for greater oversight and monitoring of gun shops to make sure they are following the law**. Here is a report with detailed info about this problem:

<https://projects.thetrace.org/inspections/>

The interactive map is very interesting. You can see the reports on violations by state, including California gun shops, and including one in San Jose. If you click on "read the investigation" you can see the long version of the report.

There is apparently a problem of gun shops receiving little oversight with infrequent ATF inspections, and when they do occur, violations are seen: sometimes inadequate records of sales, violations with selling multiple weapons to an individual in less than 5 days, or failure to keep track of inventory- among other more serious violations.

I think the **videotaping of all sales would help incentivize accountability**. Gun shops are more likely to be sure all staff are trained in, and follow, the law if they know they are being videotaped. I do not think we can count on random inspections to ensure accountability.

Training employees how to recognize straw man purchases seems important and very reasonable.

Enhanced requirements for **documenting inventory and reporting stolen firearms** also seems reasonable.

In closing, I support the San Jose ordinance to update gun shop regulations that you are proposing, Thank you for your attention to this important public health issue.

Sincerely,

Susie MacLean, M.D.

Retired Physician, [REDACTED]

Board Member, Scrubs Addressing the Firearm Epidemic, www.standsafe.org

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Fw: Agenda Item 4.2. 21-1393 Ordinance Regulating the Sale, Lease and Transfer of Firearms

City Clerk <city.clerk@sanjoseca.gov>

Fri 6/11/2021 12:11 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

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From: Gretchen Grant [REDACTED] >

Sent: Friday, June 11, 2021 12:02 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 4.2. 21-1393 Ordinance Regulating the Sale, Lease and Transfer of Firearms

[External Email]

Hello,

I am writing to urge passage of Agenda Item 4.2. 21-1393, "Ordinance Regulating the Sale, Lease and Transfer of Firearms and Firearms Ammunition in San Jose at Retail" on the agenda for City Council meeting June 15th. Passage of this gun shop ordinance will help to prevent gun violence in our community.

Thank you for your consideration.

Gretchen Grant
[REDACTED]

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Fw: Vote NO on agenda item 4.2 21-1393 gun store ordinance.

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/14/2021 8:11 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: president [REDACTED]
Sent: Monday, June 14, 2021 7:57 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Vote NO on agenda item 4.2 21-1393 gun store ordinance.

[External Email]

REF: AGENDA ITEM 4.2 21-1393

Ordinance Regulating the Sale, Lease and Transfer of Firearms and Firearms Ammunition in San José at Retail.

I write to insist that you oppose this proposal. It is absurd on it's face.

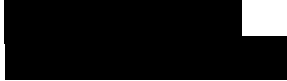
1. The primary backer of this initiative has admitted it would not have stopped the recent VTA shooting...or any other for that matter. Mayor Liccardo openly stated on June 8th: "Skeptics will say that criminals will not obey ... these mandates," "And they're absolutely correct. Of course, they won't."
2. Mayor Liccardo knows full well that the cost of imposing these requirements on gun stores would force them out of business. The kind of video and audio equipment required to meet these standards would cost over \$ 50,000. Proposing an ordinance that will not work, at high costs , which targets an innocent third party shows this is nothing more than a Jim Crowe style law designed with nefarious ulterior motives.
3. This proposal will trigger litigation. Let me repeat that.....will trigger litigation. At a time when the city's mismanagement of funds has left it in a serious deficit, it is bad for the city... and the taxpayers.
4. The city should not be considering laws designed only to benefit a politician looking to promote himself to his next government job. Everyone knows that Mayor Liccardo will soon be termed out of office. This proposal is nothing more than a crass self interested politician looking for an issue to build publicity. And to do so on the graves of innocent victims is especially disgusting.
5. There is no evidence that anything being proposed here will achieve its stated purpose. This is true for any jurisdiction that has imposed a similar ordinance. I encourage the Council to see if they can find any proof to the contrary.

This ordinance is a repugnant abuse if government power: Penalizing an innocent third party for things they are not responsible for flies in the face of our Constitution and our Bill of Rights.

The council should reject this proposal in its entirety.

If the Council is truly interested in stopping violent crime then it should immediately rescind its' sheltering of known violent felons under its' sanctuary city law. Numerous citizens of San Jose are dead because of this law... a law that each of you supported.

Mark S Towber
San Jose



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Fw: Agenda item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/14/2021 8:08 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Jen <[REDACTED]>
Sent: Friday, June 11, 2021 4:44 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Agenda item: 4.2 21-1393

[External Email]

Dear Mayor Liccardo and City Councilmembers,

Thank you for your leadership in taking action to reduce gun harm in our city. I am writing in **SUPPORT of Agenda item: 4.2 21-1393**. Ample data and research consistently indicate that common-sense public safety laws reduce gun violence and save lives. Ordinance 4.2 21-1393 will further ensure that gun sales transactions are legal and will provide the necessary staff training to reduce the possibility of straw-purchases. This ordinance is an important step forward to prevent illegal guns from entering our community, and proactively address the issue of suicide by gun, which takes 23,000 American lives each year.

San Jose has the chance to save lives and set an example with this forward-thinking, practical approach to making our city safer. As a mom of four, I urge you to vote in favor of these common-sense laws.

Kind regards,
Jennifer Burton

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Fw: June 15 meeting

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/14/2021 8:10 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Marie LaForge <[REDACTED]>**Sent:** Saturday, June 12, 2021 6:05 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** June 15 meeting

[External Email]

Hello, I am strongly in favor of the following proposed ordinance and initiative. Thank you,
Marie LaForge
Saratoga, CA

A proposed new ordinance for gun stores in San Jose is intended to address multiple aspects of gun violence. It will require store employees to be trained to screen for and reject "straw sales," in which a person with a clean record tries to buy a gun on behalf of someone who would be prohibited; to this end, all transactions will be video-taped. It will tighten requirements for reporting missing inventory. It will require the in-store posting of materials meant to prevent suicides, which account for two-thirds of all gun deaths.

A second initiative announced by San Jose Mayor Sam Liccardo will require gun owners to pay a fee and carry liability insurance. Besides helping pay for the surprisingly high public cost of gun violence, this will bring market forces to bear on raising violence-prevention consciousness among gun owners and the firearms industry itself.

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Fw: No on Item 4.2 on June 15th

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/14/2021 8:10 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Matt Wendt [REDACTED] >**Sent:** Sunday, June 13, 2021 10:08 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** No on Item 4.2 on June 15th

[External Email]

City Council and City Clerk,

I ask you vote no on item 4.2. It will provide no public safety benefit, but it will raise the cost of government, reduce jobs and tax revenue.

Matt Wendt

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Fw: City Council Meeting Agenda item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/14/2021 2:39 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Don V [REDACTED]
Sent: Monday, June 14, 2021 2:38 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: City Council Meeting Agenda item: 4.2 21-1393

[External Email]

Dear Mayor and City Council:

I write in strong support of the proposed changes to gun store policy and procedure.

Opponents will say that such changes would have done nothing to prevent the recent VTA tragedy--as though cancer research must be abandoned now that the headlines are all about Covid-19.

The opposition is monolithic in their refusal to discuss reasonable change, in their damning of every suggestion as a "slippery slope." The idea that preventing firearm deaths is an affront to their "freedom" is the last refuge of people who have quit thinking and feeling.

Don Veith

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Fw: SUPPORT agenda item 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/14/2021 3:08 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Doug Atkins [REDACTED]**Sent:** Monday, June 14, 2021 3:05 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** SUPPORT agenda item 4.2 21-1393

[External Email]

Dear City Council Members,

I'm writing in support of agenda item 4.2 21-1393. These are common-sense measures which will help ensure the legality of gun purchases, and protect the community from gun violence.

Thank you,
Doug Atkins
Sunnyvale

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Fw: SUPPORT Agenda item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/14/2021 5:03 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Shannon Knepper [REDACTED]
Sent: Monday, June 14, 2021 4:49 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: SUPPORT Agenda item: 4.2 21-1393

[External Email]

Dear City Council Members,

I am a volunteer with Moms Demand Action. Thank you for your leadership in taking action to reduce gun harm in our city. I am writing in **SUPPORT of Agenda item: 4.2 21-1393**. In the aftermath of the tragic VTA shooting, and the continuous gun violence that plagues our San Jose streets, supporting this agenda item is the first step to help us heal, as we continue to grieve. Lack of action is simply not an option; please, support 4.2 21-1393, and show your constituents that you are serious about reducing gun violence.

Sincerely,

Shannon Knepper

Downtown San Jose Resident & Mom

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Fw: Please vote yes on Item 4.2 tomorrow

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/14/2021 5:03 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Sana Sethi <[REDACTED]>**Sent:** Monday, June 14, 2021 5:02 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Please vote yes on Item 4.2 tomorrow

[External Email]

Dear San Jose Councilmembers,

My name is Sana and I am a San Jose resident. For most of my life, I have lived here, in a city that has chosen to take action on gun violence prevention and for that, I have felt safer in my community. However, I've still experienced Code Red drills in school when an armed man was near my campus, threats of a mass shooting in college, heard countless stories of accidental deaths or suicides by gun, and of course, faced the trauma of having 2 high-profile mass shootings happen in my community: at the Gilroy Garlic Festival in 2019 and just a few weeks ago near the San Jose VTA station.

While I am proud to live in a city that typically votes to pass gun violence prevention measures, it is not enough. We must do more and be bold to keep our community safe. Tomorrow, you have an opportunity to take another step in the right direction and pass an ordinance that would work to hold gun stores accountable by monitoring their purchases, training staff to screen and stop "straw sales" (when someone buys a firearm for a prohibited purchaser), tightening requirements for missing inventory, and requiring in-store posting of materials meant to prevent suicides, which account for two-thirds of all gun deaths. **I am urging you to please vote yes on Item 4.2: Ordinance Regulating the Sale, Lease and Transfer of Firearms and Firearms Ammunition in San José at Retail.**

Despite the broken state of our national politics, we can begin at the municipal level. I trust that the San Jose City Council will do the right thing and show us that our community's safety is a priority.

Best wishes,
Sana Sethi
(she/her)

Fw: SUPPORT Agenda item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 9:34 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main: 408-535-1260

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From: Haley Govorko [REDACTED]
Sent: Tuesday, June 15, 2021 9:13 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: SUPPORT Agenda item: 4.2 21-1393

[External Email]

Dear City Council Members,

I am a volunteer with Moms Demand Action. I am also a kindergarten teacher in Campbell. When I was watching the news, hoping to locate a missing loved one during the VTA shooting, the same officer who teaches my school how to prepare 5-year-olds to hide from active shooters was giving the latest updates. My loved one never came home that day. Thank you for your leadership in taking action to reduce gun harm in our city. I am writing in **SUPPORT of Agenda item: 4.2 21-1393**. Ample data and research consistently indicate that common-sense public safety laws reduce gun violence and save lives. Ordinance 4.2 21-1393 will further ensure that gun sales transactions are legal and will provide the necessary staff training to reduce the possibility of straw-purchases.

Thank you,
Haley

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Fw: Support of Agenda item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 8:53 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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From: christine sterpetti [REDACTED] >**Sent:** Tuesday, June 15, 2021 7:58 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Support of Agenda item: 4.2 21-1393

[External Email]

Dear City Council Members,

I am a volunteer with Moms Demand Action and a mom whose son goes to middle school in San Joe.

Thank you for taking action to reduce gun violence in our city. I am writing to give my full support of Agenda item:4.2 21-1293. Research consistently shows that common sense safety laws reduce gun violence and save lives. I lived in Italy for 20 years, as with most developed countries, which has very strict gun laws. Never once did I worry about going to the grocery store, sending my one and only child to school, or doing any other activities outside my house. I thought moving back to California would feel safe. However, with the recent shooting and the shooting in Gilroy, I am constantly on edge and especially worried about my 11-year-old son as he goes to school or plays in the neighborhood.

Thank you for making gun safety a priority in our city.

Regards,

Christine Sterpetti

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Fw: SUPPORT Agenda item 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 8:53 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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From: Margo BENNETT [REDACTED]
Sent: Tuesday, June 15, 2021 8:48 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: SUPPORT Agenda item 4.2 21-1393

[External Email]

Dear City Council Members,

I am a volunteer with Moms Demand Action. Thank you for your leadership in taking action to reduce gun harm in our city. I am writing in **SUPPORT of Agenda item: 4.2 21-1393**. Significant data and research consistently indicate that common-sense public safety laws reduce gun violence and save lives. Ordinance 4.2 21-1393 will further ensure that gun sales transactions are legal and will provide the necessary staff training to reduce the possibility of straw-purchases. I have been a long time supporter of safer gun laws. Gun violence just seems to get worse. Every step we take can help with reducing gun violence. I appreciate you supporting this ordinance.

Sincerely,
Marguerite Bennett
San Jose, CA

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Fw: SUPPORT Agenda Item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 8:57 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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From: Yvonne Murray [REDACTED]
Sent: Monday, June 14, 2021 8:15 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: SUPPORT Agenda Item: 4.2 21-1393

[External Email]

Dear City Council Members,

I am a volunteer with Moms Demand Action. Thank you for your leadership in taking action to reduce gun harm in our city. I am writing in **SUPPORT of Agenda item: 4.2 21-1393**. Ample data and research consistently indicate that common-sense public safety laws reduce gun violence and save lives. Ordinance 4.2 21-1393 will further ensure that gun sales transactions are legal and will provide the necessary staff training to reduce the possibility of straw-purchases.

Thank-you for taking bold action to save lives in San Jose and surrounding communities.

Yvonne Murray
Concerned Citizen and Moms Demand Action Volunteer

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Fw: In Support of Gun Shop Ordinance

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 8:57 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José200 E. Santa Clara St., Tower 14th Floor

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From: kpandula [REDACTED] <[REDACTED]>**Sent:** Monday, June 14, 2021 8:06 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** In Support of Gun Shop Ordinance

[External Email]

Dear Mayor Liccardo and Council Members:

I fully support the gun shop ordinance as a positive step towards keeping San Jose residents safe from gun violence. As a survivor of gun violence, I know first-hand the trauma and pain of losing a precious child to gun violence. Sadly, now our community has experienced the same grief. Please give this ordinance the importance human life deserves. If preventing gun violence saves just one life, then you have made all the difference in the world to those whose loved one was killed.

Thank you,

Karen Pandula

Founder, Silicon Valley Gun Violence Prevention Alliance

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Fw: SUPPORT Agenda Item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 8:58 AM

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From: julie.henig [REDACTED] >**Sent:** Monday, June 14, 2021 7:26 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** SUPPORT Agenda Item: 4.2 21-1393

[External Email]

Dear City Council Members,

I am a local resident and volunteer, with the San Jose group of Moms Demand Action. I commend you for your leadership in taking action to reduce gun harm in our city. I'm writing in SUPPORT of Agenda Item 4.2 21-1393. Data and research consistently indicate that common-sense public safety laws, such as this proposal, reduce gun violence and save lives. I especially support ordinance 4.2 21-1393 because it will provide necessary staff training to reduce the possibility of straw-purchases, and will notify potential gun buyers of the risks of suicide by gun, which is a large percentage of daily gun deaths.

Thank you,
Julie Henig

[REDACTED]

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Fw: Agenda item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 8:59 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main: 408-535-1260

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From: Felisa Ihly <[REDACTED]>**Sent:** Monday, June 14, 2021 5:52 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Cc:** Davis, Dev <dev.davis@sanjoseca.gov>**Subject:** Agenda item: 4.2 21-1393

[External Email]

My husband and I live in San Jose, in Council District 6. I am writing to express my support for Mayor Liccardo's gun shop ordinance. Aside from the tragedy that befell our community a couple of weeks ago, the ordinance will address the issue of suicide by firearm.

Our family has, sadly experienced a tragedy of suicide by gun. My gentle, kind but mentally ill brother-in-law shot himself in the head with a gun that none of us knew he possessed. Bill did not have a long history of mental illness, but suffered an acute, sudden onset of depression and delusions at the age of 43. He did seek treatment, but was discouraged that it was not working fast enough for him. I can't help but wonder if things would have turned out differently if someone had recognized his distress, and not sold him the gun that took his life. Or perhaps if he had seen a sign or informational flyer at the gun shop, he may have had second thoughts.

This ordinance will definitely not eliminate all gun violence tragedies, but it does address issues such as holding of ammunition, straw purchasers, stolen firearms, and suicide warnings and information that will save lives.

I urge Dev Davis and the Council as a whole to support this ordinance.

Thank you,

Felisa Ihly



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Fw: Agenda item: 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 9:34 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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From: Jane Holt <[REDACTED]>**Sent:** Tuesday, June 15, 2021 9:17 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Agenda item: 4.2 21-1393

[External Email]

please vote yes on 4.2 21-1393. We don't need more guns on our streets, especially illegal ones. Please use guns responsibly.

this ordinance is an important step forward to prevent illegal guns from entering our community and proactively address the issue of firearm by suicide. The proposed changes would require gun dealer licensees to:

- Video and audio record transactions of firearms and ammunition
- Train staff to identify "straw purchasers"
- Perform annual inventory checks and immediately report any missing or stolen firearms and/or ammunition to the police department
- Display information about local gun laws regarding suicide about local gun laws, and suicide warning signs as well as resources for people struggling with suicidal thoughts or being subjected to domestic violence.

thank you Jane Holt

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Fw: SUPPORT Agenda item 4.2 21-1393

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 8:40 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

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From: Ka-Bei Chua <[REDACTED]>**Sent:** Tuesday, June 15, 2021 8:34 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** SUPPORT Agenda item 4.2 21-1393

[External Email]

Dear City Council Members,

I am a volunteer with Moms Demand Action. Thank you for your leadership in taking action to reduce gun harm in our city. I am writing in **SUPPORT of Agenda item: 4.2 21-1393**. Ample data and research consistently indicate that common-sense public safety laws reduce gun violence and save lives. Ordinance 4.2 21-1393 will further ensure that gun sales transactions are legal and will provide the necessary staff training to reduce the possibility of straw-purchases.

Yours faithfully,

Ka-Bei Chua

Sent from my iPad

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Fw: Opposition to Item 4.2: Replacement of Municipal Code Chapter 10 Firearms

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 8:55 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (303 KB)

Analysis of RETAIL FIREARMS AND AMMUNITION DEALERS REGULATIONS-R-03.pdf;

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How is our service? [Please take our short survey.](#)

From: Dave Truslow [REDACTED] >**Sent:** Tuesday, June 15, 2021 7:36 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Opposition to Item 4.2: Replacement of Municipal Code Chapter 10 Firearms

[External Email]

Please ensure the attached is provided to the Council for Item 4.2 on the agenda.

The attached details grave concerns with the proposed replacement. Contrary to the Agenda's claim, it WILL force changes to the retailers physical environment. Expensive surveillance equipment and networking infrastructure will be required inside the premises and in parking areas by most retailers.

- The proposal fails to provide any evidence to support the purported public safety benefit. Based on crime in San Francisco and Oakland, the ordinance will reduce public safety.
- It is vague, subjective, and risks expensive litigation.
- It further burdens SJPd when they are unable to meet response time objectives.
- It harms San Jose's employment opportunities and revenue by driving lawful businesses from San Jose.
- It disproportionately impacts low income residents as VTA prohibits such items on public transit.

Please direct that the proposed ordinance be reconsidered and address points in the attached analysis.

Thank you in advance,
-dave truslow

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**Analysis of RETAIL FIREARMS AND AMMUNITION DEALERS REGULATIONS City Of San Jose
Proposed Replacement of Municipal Code Chapter 10**

(Proposed ordinance labeled DRAFT) 6/14/21 - R0.3

The draft proposed ordinance to replace Chapter 10 of the San Jose Municipal Code converts San Jose into a police state. Voice and video of all employee and gun store visitors will be recorded - including toilet areas. The proposed ordinance is an embarrassment. It lacks any supporting facts to justify the purported purpose, nor to properly administer. Instead, it's a pretext to force gun stores out of San Jose with attendant loss of tax revenue and jobs.

The proposed ordinance achieves the opposite effect. Stores were forced out of Oakland and San Francisco, yet their firearm fatality and injury rates are far higher than San Jose's.

- Projected permit revenue?
- Startup and recurring cost by City of San Jose?
- License Cost?
- Economic impact of regulations on businesses?
- Basis for claimed "authorization" since gun stores are deemed "essential businesses"?
- The proposed ordinance effectively forces FFLs to relocate out of San Jose due to the massive operating cost increase imposed by the ordinance.

Key considerations are underlined

6.90.010 Purpose

1. What data supports the alleged "interest of public health, safety, and welfare" versus other businesses associated with a much higher crime rate e.g., liquor stores, bars, convenience markets?

FFLs are already inspected by ATF and CA DOJ. What is the added value for redundant licensing and inspections by SJPD?

2. Enforcement mechanism for "straw purchases"? Only prosecuted by US Attorneys. Violation incurs up to 10 years in prison and \$10,000 fine. US Attorney and ATF Director Todd Jones testified that only 44 were prosecuted out of 48,321 "straw purchase" cases.

3. Why aren't mandatory prosecution and maximum penalties imposed on those guilty of "straw purchases" or attempts.

4. What is the justification for prohibiting home-based business sales?

5. FFLs already use video recording to comply with insurance requirements. What is the incremental benefit to require massive business cost increases?

6.90.020 Definitions

6.91.040 includes harmless starter pistols and relics that do not fall under Federal firearms laws.

6.91.050 includes cutlery, lead sinkers, carcasses , and rocks. All have been used as projectiles. All can result in a “deadly consequence”. Which businesses selling “deadly consequence” projectiles like these won’t be required to obtain a permit?

6.91.050 includes bullets, cartridge cases, and ammunition feeding and storage supplies. These are sold by small home-based businesses, via mail, and at flea markets in addition to sales by some FFLs. What is the justification for requiring a separate firearms license?

These items are not Firearms Ammunition by any reasonable definition. They are available for sale without restriction.

6.90.060 Firearms Business License

- The proposed ordinance lacks “shall issue” language as stated in the current ordinance (10.32.050) if applicants meet published requirements. Why exclude this provision?
- The San Jose Police Department is not listed as a FFL. The proposal fails to identify any specific training or expertise in FFL requirements as evidenced by SJPD’s 324 missing firearms in the last reported audit. What training or qualification is required to inspect facilities as this is not included in the Peace Officers Standards and Training (POST) curriculum?
- SJPD has been unable to achieve response time targets for many years. How will these duties be conducted without further diminishing SJPD service levels?
- A separate license is required at each FFL location whereas a single business license is required for all locations of other businesses. This multiple license requirement lacks any justification. It appears targeted at Big 5 as they are the only multiple FFL retailer in San Jose.
- The proposal eliminates a special license for any firearm that may be concealed as specified in 10.32.30. It appears it was not enforced. Given the absence of enforcement, what evidence supports enacting additional regulation? Why not require SJPD to report all violations and inspections to ensure the ordinance is merited?

6.90.090 - 100 Firearms License Required & Compliance

What is the mechanism to notify FFLs or others subject to the proposed vague licensing requirements?

6.90.210 Additional Requirements

The proposal lacks any justification for imposing requirements on vendors selling accessories such as magazines, loaders, and inert material like bullets, cartridge cases and key fobs. What is the justification?

The proposal lacks any justification for eligibility screening beyond that conducted by state and federal authorities. A FFL must be at least 21. One must 18 for contracts to not be voidable in California. What is the justification to prohibit employees under 21?

The requirements create a chilling effect that will diminish commercial activity. Customers expect privacy. The release of records (6.90.210.B.5) allows SJPD to compile and maintain records of all

commercial transactions regardless of the purchasers' residency. What is the justification? What is the mechanism to monitor and restrict access, retention, and records conveyance to others?

1. Provide "proof that the business complies with... codes and regulations". The criteria for "proof" is not specified. What is the justification to presume that FFLs are deemed guilty of unspecified violation until proven innocent by the Chief of Police?

The ordinance prohibits any Internet or residential sales of merchandise that is otherwise lawful and unregulated.

Residential and storefront Private Party Transfers, ammunition conveyance, brokerage, gunsmithing, and vault storage are allowed since these activities do not involve a sale. Is this correct?

6.90.300 Operating Regulations and Conditions

A. "shall be subject to such additional conditions" How will corruption, arbitrary, and capricious rule making and enforcement be curtailed?

6.90.320 Conditions

Provisions A-D are redundant and required under state and federal regulation. Why are they in the ordinance?

6.90.320. E is racist and more stringent than upon businesses that cater to prurient interests. PC 26820 was enacted almost a century ago to discourage Chinese from purchasing firearms. It was assumed they were illiterate. This provision extends the racist legacy of PC 26820. What is the justification?

6.90.320.F imposes a severe burden on FFLs given other licensing requirements and employee turnover. By contrast, a bartender or package store employee may be 18 and not burdened with submitting employee records to SJPD. Alcohol kills more than two times that of all firearms (including suicide) each year. Justification?

The provision makes no exception for those with temporary access such as building inspectors, landlords, maintenance and janitorial workers. How should these be treated?

6.90.320.G-H fails to provide any rational basis for restricting the sale of harmless accessories like key fobs, magazine, speed loaders, and similar items. What is the justification?

6.90.320.G impacts existing FFLs that are in Commercial / Residential locations. Are they required to close?

6.90.320.K places SJPD in the enforcement role of state and federal authorities. This and similar requirements are duplicative without any demonstrable public safety benefit. What is the rationale?

6.90.330 Notice Requirements

6.90.330.B fails to cite language(s). English only? The amount of wall space to post all notices in 1" letters is not mentioned. It's unclear that the requirement is feasible i.e., sufficient wall space to display. How is a FFL or SJPD to determine "Santa Clara County approved resources and local gun laws" for posting? How much wall space is required? What is the justification?

6.90.340 Submission of Records

The ordinance is the epitome of Orwell's 1984. All employee and visitor conversations and activities will be recorded. It enables SJPD to construct a database of all firearms and owners. It fails to provide for SJPD records access controls or penalties for unauthorized access or disclosure. What is the public safety benefit to justify this egregious over-reach of government authority?

6.90.350 Inventory

SJPD has had more firearms lost, misplaced, or stolen than all other FFLs in the City of San Jose. To the extent any inventory requirement is warranted, the greater threat lies with SJPD's negligence. The average recovery time for lost or stolen firearms exceeds 11 years per ATF figures. ATF already conducts inspections. What is the benefit for redundant inspections?

This requirement explicitly relinquishes constitutional and privacy protections that would otherwise apply: no search warrant, court order, or subpoena. What is the justification?

FFLs are required to provide inventory data to ATF. The ordinance places an undue burden on FFLs without any corresponding public benefit. What is the justification?

6.90.360 Surveillance

2. Number and location are subject to the whims of the Chief or designee. FFLs are required to install recording equipment "in or on" the premises to effectively record all activity when the business is occupied. This includes toilets unless the retailer has potty police to prevent any firearms or ammunition in the restroom areas by store personnel or visitors.

Capacity needed for 12 cameras, medium quality, 12 hours / day, 30 days, 15 frames / second, PEG compression: 60.19 TB. (source: Seagate). Audio recording adds approximately 700 MB to the data storage requirement per day or 21 GB / month.

Preliminary minimum startup cost estimate:

- a. Lorex 16 channel, 8 audio turrent cameras & 8 bullet cameras: \$2,600.
- b. Synology 8-bay disk enclosure: \$950
- c. 8) 10 TB HDD @ \$315: \$2,520
- d. Installation: \$2,000

Total: ~\$8 - \$10K The actual startup cost may be at least twice this amount. This is a conservative estimate and does not consider equipment required for parking, and employee-restricted areas.

Chain stores (e.g. Basspro and Big 5) are in a better position to absorb this cost due to the variety of merchandise. Most FFLs are 'mom & pop' businesses, operate on low margins, and unable to absorb this impact.

3. Sworn peace officers have been cited in numerous gun trafficking instances. These include members of SJPD, Santa Clara PD, and SCC Sheriff departments. There is no reasonable basis for excluding sworn officers from surveillance. What is the justification?

4. The proposal fails to specify the “media approved by the Chief of Police” to reproduce “retrievable and identifiable images”. What is it?

5. The proposed ordinance fails to specify the “other law enforcement agency designated by the City Manager immediately upon request for review and copying without the need for a search warrant, subpoena, or court order”. What agency or agencies?

6. Requires additional cost / labor to ensure the recording system is working properly. A security monitoring service can easily cost \$6,000 / year.

7. Posting the recording notice will dissuade customers from patronizing business that are perceived to violate customer privacy. The business volume reduction is projected between 32% to 84% based on customer studies conducted by Cisco. This business decline will prove fatal to most large and small businesses. What data assesses this impact?

6.90.370 Training

FFLs already train employees and required by insurance. The National Shooting Sports Foundation and ATF provide straw purchase training material at no cost. Additionally, there are free online presentations. It’s ludicrous to believe that SJPD and the City Attorney’s office can do a better job than experts. What is the justification? Don’t these departments have better uses for their time than to re-invent the wheel?

Given the not insignificant number of peace officers convicted of firearms violations, no exceptions should be made for active duty and retired officers. All customers should undergo the same level of scrutiny. What is the justification for exempting law enforcement officers? Who is excluded: active duty or active duty and retired?

Why does the provision omit any training record requirement? How will compliance be determined without records?

Fw: Support Agenda Item: 4.2-21-1393

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/15/2021 11:44 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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From: Sarah Bayerle [REDACTED]
Sent: Tuesday, June 15, 2021 11:33 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Support Agenda Item: 4.2-21-1393

[External Email]

Dear City Council Members ,

I am a volunteer with Moms Demand Action and a resident of San Jose in Matt Mahon's district. Thank you for your leadership in taking action to reduce gun violence in San Jose. I am writing in support of Agenda Item: 4.2 21-1393. Ordinance 4.2 21-1393 will help to ensure that gun sales transactions are leagal and will provide the necessary staff training to reduce the possibility of straw purchase.

Sarah Bayerle
San Jose Local Lead
Moms Demand Action

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