



# AGENDA REPORT



**TO:** Honorable Mayor, City Council and  
Members of the Public

**FROM:** Councilmember Dan Kalb  
Council District 1

**SUBJECT:** Resolution Prioritizing Public Safety

**DATE:** October 12, 2023

## RECOMMENDATION

**Councilmember Kalb Recommends That the City Council approve**

**AN ORDINANCE ADDING CHAPTER 2.10 TO THE OAKLAND MUNICIPAL CODE 1) REQUIRING THAT ANY CONTRACT WITH MANUFACTURERS OR RETAIL DEALERS OF FIREARMS OR AMMUNITION INCLUDES PROVISIONS CERTIFYING THEIR COMPLIANCE WITH APPLICABLE LOCAL, STATE, AND FEDERAL LAWS AS DESCRIBED; AND 2) PROHIBITING CONTRACTS WITH MANUFACTURERS OR RETAIL DEALERS OF FIREARMS OR AMMUNITION THAT REFUSE TO SUBMIT OR ARE OTHERWISE UNABLE TO CERTIFY THEIR COMPLIANCE, UNLESS GRANTED A WAIVER BY THE CITY ADMINISTRATOR**

## EXECUTIVE SUMMARY

This firearm procurement legislation will require the City of Oakland to only purchase firearms from a manufacturer or dealer of firearms that complies with local, state, and federal law.

## BACKGROUND / LEGISLATIVE HISTORY

[Research](#) has shown that a small number of gun dealers are disproportionately the source of trafficked firearms and firearms recovered in crimes. Gun dealers with disproportionate numbers of crime gun traces are more likely to be found in non-compliance with federal firearms laws, including those intended to reduce gun trafficking and crime and to assist law enforcement in solving gun violence crimes<sup>1</sup>.

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<sup>1</sup> [“The Truth About Gun Dealers In America: Stopping the Small Number of “Bad Apples” That Supply Virtually Every Crime Gun In the U.S.”](#) *Brady Campaign and Brady Center to Prevent Gun Violence, October 15, 2015.*

One study conducted by California researchers found that [20% of licensed firearm retailers agreed](#) to assist a potential handgun buyer with a transaction that had many attributes of an illegal straw purchase; conversely, safe business reforms employed by gun dealers have been found to [reduce the likelihood](#) of that dealer's guns being recovered in crime, and the overall number of trafficked guns recovered by law enforcement in that dealer's area<sup>2</sup>.

More than 200 firearms were [lost or stolen](#) from California licensed gun dealers in 2021<sup>3</sup>

Last year Councilmember Kalb, with Councilmembers Gallo and Kaplan, authored legislation prohibiting the possession, sale and manufacturing of unfinished frames or receivers that had not been imprinted with a serial number, commonly referred to as ghost guns and ghost gun kits.

This year Councilmember Kalb authored legislation prioritizing public safety that was approved by the City Council in September. Among other strategies, the legislation directed City Administrator to analyze the expansion of CeaseFire, our data-driven, gun violence intervention program. The legislation also directed the City Administrator to seek collaboration with federal law enforcement agencies stepping up coordinated operations to confiscate illegal guns.

### **ANALYSIS AND POLICY ALTERNATIVES**

The Oakland Police Department (OPD) is the primary organization in the City of Oakland that purchases firearms. OPD spending on firearms and ammunition can influence gun dealers to abide by the laws and act responsibly, thus making our communities safer.

It is essential that firearms and ammunition vendors that do business with OPD are intensely vetted in a way that ensures that they are law-abiding and that they employ best practices shown to reduce the likelihood that their guns will be trafficked into communities such as Oakland and recovered in crime.

This legislation will support the reduction of illegal guns in Oakland.

### **FISCAL IMPACT**

There is not any foreseen fiscal impact on the City Budget.

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<sup>2</sup> Wintemute G. "[Firearm retailers' willingness to participate in an illegal gun purchase](#)," *J Urban Health*. 2010 Sep;87(5):865-78. doi: 10.1007/s11524-010-9489-6. PMID: 20803095; PMCID: PMC2937134.

<sup>3</sup> "[Federal Firearms Licensee Theft/Loss Report](#)," *Bureau of Alcohol, Tobacco, Firearms, and Explosives*, January 18, 2022.

**COORDINATION**

Councilmember Kalb would like to thank the Brady Center to Prevent Gun Violence for their assistance in creating this Ordinance. Councilmember Kalb worked with the City Attorney’s office regarding this legislation. We have reviewed publicly available information regarding crime data. We have and will continue to engage with stakeholders—including residents of and business owners in Oakland, to make adjustments and move this forward.

**SUSTAINABLE OPPORTUNITIES**

***Economic:***

While the Resolution does not propose specific economic projects or direct economic development, the proposed legislation is intended to remove constraints to the City’s ability to improve public safety. Improving public safety will improve economic opportunities for all Oaklanders.

***Environmental:***

There do not appear to be any environmental impacts.

***Race & Equity:***

This legislation will effectively act as a crime prevention strategy by requiring gun manufacturers and dealers to comply with the law. This ordinance as a policy will reduce the risks and harmful impacts of crime on the City’s most vulnerable and frontline communities.

**ACTION REQUESTED OF THE CITY COUNCIL**

Councilmember Kalb respectfully requests that the City Council: Adopt an Ordinance that requires the City of Oakland to only purchase firearms from a manufacturer or dealer of firearms that complies with local, state, and federal law.

For questions regarding this report, please contact Seth Steward, Chief of Staff to Councilmember Kalb, at 510-238-7013.

Respectfully submitted,



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Dan Kalb  
Councilmember, District 1