

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 13-012

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of August 6, 2012
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION ALLOWING THE CITY OF LAS CRUCES POLICE DEPARTMENT (LCPD) TO SELL FIREARMS BY UTILIZING THE CITY'S ONLINE AUCTION WEB SITE WITH PUBLIC SURPLUS, A UTAH BASED COMPANY.

PURPOSE(S) OF ACTION:

Authorization for the sale of police firearms.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Pat Gomez <i>P.G.</i>	<u>Department/Section:</u> Public Works/Building Operations <i>[Signature]</i>	<u>Phone:</u> 541-2683
<u>City Manager Signature:</u>	<i>[Signature]</i>	

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Las Cruces Police Department has purchased several firearms during the past years. At this time they have several firearms that are not in use and have been stored for four (4) years. The LCPD would like to offer the sale of the firearms listed in Exhibit "A" to the general public with the use of the City's on-line public auction service. With approval from City Council, this would be the Las Cruces Police Department's preferred method of firearm disposal.

Participation in this auction is limited to those holding a current Federal Firearms License (FFL). A certified copy, defined as a clean and legible copy of a license with an original signature of the license, must be on file with the City of Las Cruces Purchasing Section before bidding access is granted.

The Las Cruces Police Department will verify that all FFL licenses are current and up to date utilizing the Bureau of Alcohol, Tobacco, Firearms, and Explosives' web page. Only those individuals that possess a valid FFL shall be permitted to pick-up awarded items at the Las Cruces Police Department located at 217 E. Picacho, Las Cruces, New Mexico.

Proceeds from the sale of these weapons will be deposited into the auction fund. Those funds will then be transferred to a Las Cruces Police Department account for the purchase of newer firearms.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", List of firearms that will be sold in auction.

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment</i>	<input type="checkbox"/>	Expense reallocated from:
	<i>Attached</i>	<input checked="" type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Anticipated revenues will be deposited in this fund: <u>1000-210211</u> in the amount of <u>\$75,000 - \$100,000</u> for FY <u>12/13</u> .
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

If allowed to go through, the City anticipates receiving proceeds from the sale in the range of \$75,000 to \$100,000. This amount would be used for the purchase of newer firearms .

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution, authorizing the Las Cruces Police Department to sell their firearms utilizing the on-line Public Surplus Auction web page.
2. Vote "No"; this will not approve the Resolution. Therefore, permission must be granted by City Council to destroy the firearms by authorized personal.
3. Vote to "Table"; the Resolution and provide staff with further direction.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

RESOLUTION NO. 13-012**A RESOLUTION ALLOWING THE CITY OF LAS CRUCES POLICE DEPARTMENT (LCPD) TO SELL FIREARMS BY UTILIZING THE CITY'S ONLINE AUCTION WEB SITE WITH PUBLIC SURPLUS, A UTAH BASED COMPANY.**

The City Council of the City of Las Cruces is informed that:

WHEREAS, participation in this auction is limited to those holding a current federally issued gun dealer's license; and

WHEREAS, only those individuals that possess a valid Federal Firearms License (FFL) Class One (1): dealer or gunsmith other than destructive devices; Class Two (2): Class 1 dealer doing business as a pawnbroker; or Class Three (3): licensed collector of Curio & Relic (C&R) firearms may participate in this auction; and

WHEREAS, a certified copy, defined as a clean and legible copy of the license with an original signature of the license, must be on file with the City of Las Cruces Purchasing Section before bidding access is granted; and

WHEREAS, Las Cruces Police Department will verify that all FFL licenses are current and up to date utilizing the Bureau of Alcohol, Tobacco, Firearms, and Explosives' web page; and

WHEREAS, upon receipt of the certified copy of the FFL along with the background check, the Purchasing Section will notify the bidder(s) and their account will be added to the Public Surplus prequalified list by the Building Operations & Services Section; and

WHEREAS, no state grants were used to purchase any of the firearms that will be sold in auction; and

WHEREAS, the firearms have been in storage for about four (4) years and are utilizing space that is needed for additional evidence items/storage; and

WHEREAS, the firearms that will be sold are as follows: thirty (30) - 9MM pistols, eighty-two (82) 45 ACP's, three (3) Remington 700 .308 Caliber Rifles, one (1) Beretta 380 ACP, one (1) Ithaca m1911 ACP, three (3) Sig Sauer 228-9mm, one (1) Colt Trooper 357 MAG, one (1) Smith & Wesson 38/38, one (1) Smith & Wesson 36-1-38 special, one (1) Smith & Wesson 59 – 9mm, one (1) Colt m-16 a2, and four (4) H & K Mp-5/10 Submachine guns as listed in Exhibit "A", attached hereto; and

WHEREAS, proceeds from the sale of these weapons will be deposited into the auction fund and then transferred to a Las Cruces Police Department account for the purchase of newer firearms.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT City Council approves the sale of the firearms to FFL dealers only in the nine (9) selling groups, as listed in Exhibit "A", attached hereto.

(II)

THAT if sale is not authorized by City Council, the firearms will be destroyed by authorized personnel.

(III)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

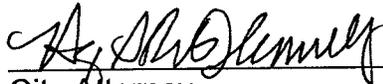
Councillor Sorg: _____

Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

PROPOSED FIREARMS TO BE SOLD THROUGH ON-LINE AUCTION

GROUP 1

Model	Caliber	Condition	Serial Number	Other
1911 A1	9mm	Good	N530772	5 mags
1911 A1	9mm	Good	N530765	4 mags
1911 A1	9mm	Good	N530826	2 mags
1911 A1	9mm	Good	N530797	1 mag
1911 A1	9mm	Good	N530782	2 mags
1911 A1	9mm	Good	N530774	2 mags
1911 A1	9mm	Good	NM217017	2 mags
1911 A1	9mm	Good	N530801	2 mags
1911 A1	9mm	Good	N530743	2 mags
1911 A1	9mm	Good	N530819	2 mags
1911 A1	9mm	Very Good	N530822	2 mags
1911 A1	9mm	Good	N530780	2 mags
1911 A1	9mm	Very Good	N530828	2 mags
1911 A1	9mm	Good	NM217018	2 mags
1911 A1	9mm	Very Good	N530754	2 mags
1911 A1	45 acp	Good	N524279	3 mags
1911 A1	45 acp	Good	N524285	2 mags - No Box
1911 A1	45 acp	Good	N532699	2 mags
1911 A1	45 acp	New	N544818	2 mags
1911 A1	45 acp	New	N544739	2 mags
1911 A1	45 acp	New	N544793	2 mags
1911 A1	45 acp	New	N532643	2 mags
1911 A1	45 acp	New	N544783	2 mags
1911 A1	45 acp	New	N544820	2 mags
1911 A1	45 acp	New	N544810	2 mags
1911 A1	45 acp	New	N544813	2 mags
1911 A1	45 acp	New	N544768	2 mags
1911 A1	45 acp	New	N544767	2 mags
1911 A1	45 acp	New	N544808	2 mags
1911 A1	45 acp	New	N544746	2 mags
1911 A1	45 acp	New	N544744	2 mags
1911 A1	45 acp	New	N544749	2 mags
1911 A1	45 acp	New	N544747	2 mags
1911 A1	45 acp	New	N544806	2 mags
1911 A1	45 acp	New	N544795	2 mags
1911 A1	45 acp	New	N544766	2 mags
1911 A1	45 acp	New	N544729	2 mags
1911 A1	45 acp	New	N544735	2 mags
1911 A1	45 acp	New	N544734	2 mags
1911 A1	45 acp	New	N544787	2 mags
1911 A1	45 acp	New	N544759	2 mags
1911 A1	45 acp	New	N544738	2 mags

GROUP 1 (continued)

Model	Caliber	Condition	Serial Number	Other
1911 A1	45 acp	New	N544755	2 mags
1911 A1	45 acp	New	N544825	2 mags
1911 A1	45 acp	New	N544748	2 mags
1911 A1	45 acp	New	N544753	2 mags
1911 A1	45 acp	New	N544752	2 mags
1911 A1	45 acp	New	N544807	2 mags
1911 A1	45 acp	New	N544824	2 mags
1911 A1	45 acp	New	N544773	2 mags
1911 A1	45 acp	New	N544816	2 mags
1911 A1	45 acp	New	N544794	2 mags
1911 A1	45 acp	fair	N532704	no mag
1911A1	45 acp	fair	N532632	no mag
1911A1	45 acp	fair	N532715	no mag
1911A1	45 acp	fair	N532525	no mag

GROUP 2

Model	Caliber	Condition	Serial Number	Other
1911 A1	9mm	Good	N530729	2 mags
1911 A1	9mm	Good	N530747	2 mags
1911 A1	9mm	Good	NM217019	2 mags
1911 A1	9mm	Good	NM217007	2 mags
1911 A1	9mm	Good	N530775	2 mags
1911 A1	9mm	Good	N530821	2 mags
1911 A1	9mm	Good	N530736	2 mags
1911 A1	9mm	Good	NM217015	2 mags
1911 A1	9mm	Good	NM217004	2 mags
1911 A1	9mm	Good	N530814	2 mags
1911 A1	9mm	Very Good	N530742	2 mags
1911 A1	9mm	Good/Fair	NM217005	2 mags
1911 A1	9mm	Good	N530756	2 mags
1911 A1	9mm	Good	N530753	2 mags
1911 A1	9mm	Fair	N530792	no mag
1911 A1	45 acp	New	N544812	2 mags
1911 A1	45 acp	New	N544732	2 mags
1911 A1	45 acp	New	N492945	2 mags
1911 A1	45 acp	New	N544827	no mag
1911 A1	45 acp	New	N544802	2 mags
1911 A1	45 acp	New	N544782	2 mags
1911 A1	45 acp	New	N544777	2 mags
1911 A1	45 acp	New	N544800	2 mags
1911 A1	45 acp	New	N544760	2 mags
1911 A1	45 acp	New	N544743	2 mags
1911 A1	45 acp	New	N544730	2 mags
1911 A1	45 acp	New	N544778	2 mags
1911 A1	45 acp	New	N544754	2 mags
1911 A1	45 acp	New	N544781	2 mags
1911 A1	45 acp	New	N544779	2 mags
1911 A1	45 acp	New	N544821	2 mags
1911 A1	45 acp	New	N544788	2 mags
1911 A1	45 acp	New	N544769	2 mags
1911 A1	45 acp	New	N544775	2 mags
1911 A1	45 acp	New	N544805	2 mags
1911 A1	45 acp	New	N544762	2 mags
1911 A1	45 acp	New	N544763	2 mags
1911 A1	45 acp	New	N544758	2 mags
1911 A1	45 acp	Excellent	N524281	2 mags
1911 A1	45 acp	New	N544791	2 mags
1911 A1	45 acp	Good	N524280	no mag
1911 A1	45 acp	Fair	N524232	2 mags
1911 A1	45 acp	Good	N532691	no mag
1911 A1	45 acp	Good	N532646	2 mags
1911 A1	45 acp	Good	N532714	2 mags

GROUP 2 (continued)

Model	Caliber	Condition	Serial Number	Other
1911 A1	45 acp	Good	N544785	2 mags
1911 A1	45 acp	Fair	N524267	2 mags
1911 A1	45 acp	Fair	N524300	2 mags
1911 A1	45 acp	Good	N532633	2 mags
1911 A1	45 acp	Good	N524246	2 mags
1911 A1	45 acp	Good	N524257	2 mags
1911 A1	45 acp	Very Good	N524318	2 mags
1911 A1	45 acp	Very Good	N524393	2 mags
1911 A1	45acp	NIB	N532683	no mag
1911 A1	45acp	Good	N544796	no mag
1911 A1	45acp	nib	N532708	no mag

GROUP 3

Model	Caliber	Condition	Serial Number	Other
Remington 700		308 Fair	F263202	Sniper Rifle / bi pod
Remington 700		308 Fair	G6218823	Sniper Rifle
Remington 700		308 Fair	G6273967	Sniper Rifle

GROUP 4

Model	Caliber	Condition	Serial Number	Other
Beretta	380 acp	Good	B13601y	1 mag
Ithaca m1911	45 acp	Fair	2060485	Marked US Army issue 1 mag
Sig Sauer 228	9mm	Very Good	B211026	3 mags
Sig Sauer 228	9mm	Very Good	B211029	3 mags
Sig Sauer 228	9mm	Good	B211028	4 mags
Colt Trooper 357 MAG		Good	83642j	Pacmeyer grips
smith & wesson model 38	38 special	Fair	23295	revolver with shroud hammer
smith & wesson 36-1	38 special	Fair	698j71	Revovler
smith & wesson 59	9mm	Fair	a388178	1 mag

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GROUP 5

Model	Caliber	Condition	Serial Number	Other
Colt m-16 a2		5.56 very good		8090145 select fire 20 inch barrel

GROUP 6

Model	Caliber	Condition	Serial Number	Other
H & K Mp-10	10mm	good	68-261	2 mags, tactical sling, Surefire light mounts, and tactical case for the MP-10 submachine guns.

GROUP 7

Model	Caliber	Condition	Serial Number	Other
H & K mp-10mm	10mm	good	68-259	2 MAGS, tactical sling, Surefire light mounts, and tactical case for the MP-10 submachine guns.

GROUP 8

Model	Caliber	Condition	Serial Number	Other
H & K mp - 10mm	10mm	good	68-262	3 MAGS, tactical sling, Surefire light mounts, and tactical case for the MP-10 submachine guns.

GROUP 9

Model	Caliber	Condition	Serial Number	Other
H & K mp - 10mm	10mm	good	68-260	3 MAGS, tactical sling, Surefire light mounts, and tactical case for the MP-10 submachine guns.