



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 7 Ordinance/Resolution# 14-014

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of July 15, 2013  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

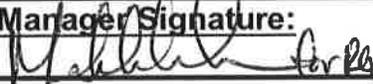
LEGISLATIVE

ADMINISTRATIVE

**TITLE:** A RESOLUTION ALLOWING THE CITY OF LAS CRUCES POLICE DEPARTMENT (LCPD) TO INCREASE AND ADJUST THE FY 2014 THE BUDGET WITH THE PROCEEDS FROM THE SALE OF FIREARMS, \$80,051 WHICH WILL BE UTILIZED FOR THE PURCHASE OF NEW FIREARMS.

**PURPOSE(S) OF ACTION:**

Authorization for a budget adjustment.

<b>COUNCIL DISTRICT: ALL</b>		
<b>Drafter/Staff Contact:</b> Laurie Padilla-Nunley	<b>Department/Section:</b> Police/Admin	<b>Phone:</b> 528-4135
<b>City Manager Signature:</b> 		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The Las Cruces Police Department (LCPD) had purchased several firearms over 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 had an auction of the firearms to the general public with the use of the City's on-line public auction service. City Council approved this on-line auction under Resolution #13-012, dated August 6, 2012.

Participation in this auction was 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, was on file with the City of Las Cruces Purchasing Section before bidding access was granted.

The LCPD verified that all FFL licenses were current and up to date utilizing the Bureau of Alcohol, Tobacco, Firearms, and Explosives' web page. Only those individuals that possessed a valid FFL were permitted to pick-up successful bid items at the LCPD located at 217 E. Picacho, Las Cruces, New Mexico.

Proceeds from the sales of these weapons have been deposited into the auction account. Those funds will require a budget increase for the LCPD to purchase newer firearms.

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Budget Adjustment.
3. Exhibit "B", Resolution, No. 13-012.

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>	Yes	<input type="checkbox"/>	See fund summary below
	No	<input checked="" type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input checked="" type="checkbox"/>	Proposed funding is from fund balance in 1000/General Fund.
<b>Does this action create any revenue?</b>	Yes	<input type="checkbox"/>	Anticipated revenues will be deposited into this fund.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

The proceeds have already been recorded under the Sale of Assets, 1000-903000. A budget increase is required for the purchase of newer firearms, which will be purchased using account 1000-10147010-730300.

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
General Fund	10147010-730300	\$80,000.00	\$228,051.00	\$148,051.00	Department equipment needs.

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the Resolution, authorizing the Las Cruces Police Department to increase their budget to purchase newer firearms.
2. Vote "No"; this will not approve the Resolution. The budget will not be increased for the purchase of newer firearms.
3. Vote to "Table"; the Resolution and provide staff with further direction.

**REFERENCE INFORMATION:**

N/A

**RESOLUTION NO. 14-014**

**A RESOLUTION ALLOWING THE CITY OF LAS CRUCES POLICE DEPARTMENT (LCPD) TO INCREASE AND ADJUST THE FY 2014 BUDGET WITH THE PROCEEDS FROM THE SALE OF FIREARMS, \$80,051 WHICH WILL BE UTILIZED FOR THE PURCHASE OF NEW FIREARMS.**

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

**WHEREAS**, the Las Cruces Police Department participated in an auction which was limited to those holding a current federally issued gun dealer's license; and

**WHEREAS**, only those individuals that possessed 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 participated 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, was provided to the Las Cruces Purchasing Section before bidding access was granted; and

**WHEREAS**, Las Cruces Police Department verified that all FFL licenses were 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 notified the bidder(s) and their account was added to the Public Surplus Prequalified List by the Building Operations and Services Section; and

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

**WHEREAS**, the firearms that were 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 "B", attached hereto and made part of this Resolution; and

**WHEREAS**, proceeds from the sales of these weapons were deposited into the auction account and an increase to the budget is required so that the Las Cruces Police Department can purchase newer firearms.

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

**(I)**

**THAT** City Council approved the sale of the firearms to FFL dealers only in the nine (9) selling groups, under Resolution No.13-012, as of August 6, 2012, attached hereto as Exhibit "B" and made part of this Resolution.

**(II)**

**THAT** the City's FY 14 budget is adjusted as prescribed in Exhibit "A", attached hereto and made a part of this Resolution.

**(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 \_\_\_\_\_, 2013.

**APPROVED:**

\_\_\_\_\_  
Mayor

ATTEST:

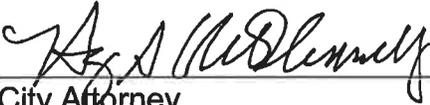
\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Smith: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

Councillor Thomas: \_\_\_\_\_

CITY OF LAS CRUCES  
2013-14 Fiscal Year Budget

FUND	DIVISION		FUND TYPE	
General Fund Fund 1000	Government		General Funds	
	2012-13 Prelim Actual	2013-14 Adopted	2013-14 Adjustment	2013-14 Adjusted
<b>RESOURCES</b>				
Beginning Balance	\$ 20,618,146	20,226,215	0	20,226,215
<b>Revenues</b>				
Gross Receipts Tax	58,830,000	64,010,000		64,010,000
Property Taxes	9,267,952	9,947,385		9,947,385
Payment In Lieu of Property Tax	774,203	784,640		784,640
Franchise Fees	2,892,045	2,949,887		2,949,887
Payment In Lieu of Franchise Fees	1,158,523	1,181,694		1,181,694
Licenses, Fees & Permits	1,200,991	1,039,858		1,039,858
Fines & Forfeitures	900,430	907,660		907,660
Administrative Transfers	3,060,973	3,122,182		3,122,182
All Other Revenues	4,533,020	3,615,715		3,615,715
Operating Transfers In	631,137	853,383		853,383
<b>Total Revenues</b>	<b>83,249,274</b>	<b>88,412,404</b>	<b>0</b>	<b>88,412,404</b>
<b>TOTAL RESOURCES</b>	<b>\$ 103,867,420</b>	<b>108,638,619</b>	<b>0</b>	<b>108,638,619</b>
<b>Expenditures</b>				
Legislative	820,362	1,858,379		1,858,379
Judicial	1,084,478	1,618,760		1,618,760
Administration	3,061,978	2,967,370		2,967,370
Legal	1,031,466	1,439,210		1,439,210
Human Resources	950,625	1,040,296		1,040,296
Financial Services	2,683,910	3,106,789		3,106,789
Information Technology	3,707,309	3,906,411		3,906,411
Transportation	4,803,404	5,189,704		5,189,704
Parks & Recreation	8,524,785	9,628,580		9,628,580
Community Development	2,647,646	3,348,769		3,348,769
Community & Cultural Services	5,015,915	5,580,547		5,580,547
Public Works	5,033,549	5,408,980		5,408,980
Las Cruces Police Department	20,034,142	22,000,516	80,051	22,080,567
Las Cruces Fire Department	9,315,959	9,786,656		9,786,656
Legislative Reserve	1,558,575	2,969,418		2,969,418
Operating Transfers Out	13,367,102	13,268,432		13,268,432
<b>Total Expenditures</b>	<b>\$ 83,641,205</b>	<b>93,118,817</b>	<b>80,051</b>	<b>93,198,868</b>
Accrual Adjustments	0	0	0	0
<b>ENDING BALANCE</b>	<b>\$ 20,226,215</b>	<b>15,519,802</b>	<b>(80,051)</b>	<b>15,439,751</b>
<b>Required Reserve:</b>				
State Required 1/12th	6,970,100	7,759,901	6,671	7,766,572
Local CLC 1/12th	6,970,100	7,759,901	6,671	7,766,572
<b>UN-RESERVED BALANCE</b>	<b>\$ 6,286,015</b>	<b>0</b>	<b>(93,393)</b>	<b>(93,393)</b>

**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, and one (1) Smith & Wesson 59 – 9mm, as listed in Exhibit "A" attached hereto, and or may be given or sold to other law enforcement agencies; and

**WHEREAS**, proceeds from the sales of these weapons will be deposited into the Auction Fund and then transferred to the Las Cruces Police Department 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 four (4) selling groups, as listed in Exhibit "A", attached hereto.

**(II)**

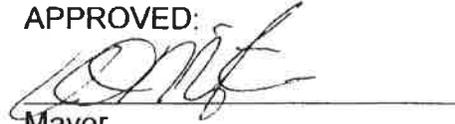
**THAT** If sale is not authorized by City Council, the firearms will be destroyed by authorized personnel.

**(III)**

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

DONE AND APPROVED this 6<sup>th</sup> day of August, 2012.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

(SEAL)

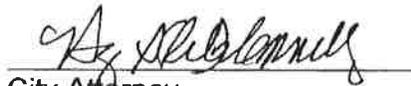
VOTE:

Mayor Miyagishima: Aye  
Councillor Silva: Aye  
Councillor Smith: Nay  
Councillor Pedroza: Nay  
Councillor Small: Aye  
Councillor Sorg: Aye  
Councillor Thomas: Nay

Moved by: Thomas

Seconded by: Sorg

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

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	Callber	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
1911A1	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	83642]	Pacmeyer grips
smith & wesson model 38	38 special	Fair	23295	revolver with shroud hammer
smith & wesson 36-1	38 special	Fair	698j71	Revolver
smith & wesson 59	9mm	Fair	a388178	1 mag