



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

DATE: November 18, 2002

BOARD MEETING DATE: December 3, 2002

TO: Honorable Board of Supervisors
FROM: Supervisor Mike Nevin and Supervisor Mark Church
SUBJECT: Ordinance Prohibiting Firearms and Ammunition On County Property

Recommendation

ADOPT AN ORDINANCE ADDING CHAPTER 3.53 TO TITLE 3 OF THE SAN MATEO COUNTY ORDINANCE CODE PROHIBITING THE POSSESSION OF FIREARMS ON COUNTY PROPERTY

Background

In November of 1995, the County placed a provision in its agreement with the San Mateo County Exposition and Fair Association prohibiting the use of the Expo Center for events in which all or a substantial portion of the show was dedicated to and/or advertised as showing, demonstrating and selling of firearms. The Board's action was based upon the fact that there are numerous guns being sold at gun shows, and that the proliferation of guns not only causes gun-related violence but also a financial impact to the county's health care system. Starting in December of 1995, there were no gun shows at the Expo Center.

Soon thereafter, Santa Clara County adopted a provision in their Fairground Management lease agreement that prohibited the offer of sale and the sale of guns at the shows. This provision was challenged in Federal Court and in 1997, the Ninth Circuit ruled that Santa Clara County's lease provision violated commercial speech and thus was unconstitutional. In light of that decision, our Board amended the agreement with the Expo Center, taking out the prohibition. Gun shows returned to the Expo Center.

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Last spring, the California Supreme Court reaffirmed the rights of counties to adopt laws relating to the sale and possession of firearms on county property. The Supreme Court upheld a Los Angeles County ordinance banning the sale of firearms and ammunition on county-owned property. The court issued a similar ruling upholding an Alameda County ordinance banning the possession of firearms and ammunition on county owned property. Additionally, the Federal District Court held that the ban of gun possession on county property did not violate free speech.

Discussion

Gunshot fatalities and injuries are prevalent in San Mateo County. According to the Coroner's statistics, from 1994 through November 2002, deaths from gunshots are among the leading cause of death from unnatural causes in San Mateo County. As many people died from gun shot wounds than motor vehicles or alcohol & drug involvement, the other two leading causes of unnatural deaths in San Mateo County.

On July 4, 1998, a shooting incident on the Alameda County fairgrounds resulted in several gunshot wounds, other injuries and panic among fairgoers and on July 14, 2002, a teenager was killed at a gun show in Georgia, when a firearm accidentally discharged.

We are of the opinion that prohibiting the possession of firearms on County property will promote the public health and safety by contributing to the reduction of gunshot fatalities and injuries in the County.

Fiscal Impact

None.



SUPERVISOR MIKE NEVIN



SUPERVISOR MARK CHURCH

cc: John Maltbie, County Manager
John Root, Manager, San Mateo County Fair and Exposition Center