



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

## CONSENT REPORT

June 16, 2009

### Honorable Members of the Law and Legislation Committee

**Title:** Amend City Code - Disposition of Surplus Personal Property: Duty Weapons, Badges, and Canines

**Location/Council District:** Citywide

**Recommendation:** Approve and forward to City Council for adoption of new Chapter 3.82 of the Sacramento City Code regarding the disposition of surplus duty weapons, badges, and canines.

**Contact:** Chris Stewart, Procurement Services Manager, (916) 808-6202; Sara Kashing, Administrative Officer, (916) 808-0826

**Presenters:** Chris Stewart, Procurement Services Manager, (916) 808-6202

**Department:** General Services

**Division:** Procurement Services

**Organization No:** 13001061

### Description/Analysis

**Issue:** On certain occasions marking the end of honorable service or promotion with the City, police officers and firefighters often request authorization to purchase individual equipment such as duty weapons, badges, and service dogs. However, the City Code in its present form does not allow for the sale or transfer of such City property. The recommended revision to the City Code will allow for the disposition of duty weapons and badges upon honorable retirement from City service or promotion to a higher rank, and the disposition of service dogs upon their removal, under certain conditions, from active service.

**Policy Considerations:** City Code Chapter 3.80 addresses the disposition of surplus personal property. The intent of Chapter 3.80 is to encourage public notice and participation when initiating a sale of City surplus property. Furthermore, the reference to surplus property is intended to describe such property that might have utility to the general public after it has exceeded its

useful life. Police officers and firefighters utilize individual equipment that is unique to their occupation, and for public safety reasons should not be made available to the general public. Therefore, these particular items should not be included in the general description of surplus property nor should they be made available to the general public after their useful life. This clarification of terms and recommendation to amend the City Code will not affect the general intent of the current policy contained in Chapter 3.80.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** This report concerns administrative activities that will not have a significant effect on the environment, and does not constitute a "project" as defined by the CEQA Sections 15061(b)(3), and 15378(b)(2).

**Sustainability Considerations:** None

**Committee/Commission Action:** None

**Rationale for Recommendation:** The proposed City Code amendment will specifically address the disposition of certain surplus personal property that should not be made available to the general public for public safety reasons. In addition, this amendment is in standing with the traditions and customs of the Police and Fire Departments and is reflective of an individual's distinctive service while serving as a City police officer or firefighter.

**Financial Considerations:** This report does not result in any financial impact to the City.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased as a result of this report.

Respectfully Submitted by:   
Chris Stewart  
Procurement Services Manager

Approved by:   
Rick Brazier  
Chief of Police

Approved by: Reina J. Schwartz  
Reina J. Schwartz  
Director, Department of General Services

Recommendation Approved:

for Patric Bickhart  
RAY KERRIDGE  
City Manager

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**Attachments:**

1 Proposed Ordinance Pg 4

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE ADDING CHAPTER 3.82 TO THE SACRAMENTO CITY CODE  
RELATING TO DISPOSITION OF WEAPONS, BADGES AND CANINES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 3.82 is added to the Sacramento City Code to read as follows:

**Chapter 3.82**

**Disposition of Weapons, Badges and Canines**

**3.82.010 Scope of Chapter**

Notwithstanding any other provision of this code, this chapter shall control the disposition of the personal property covered by this chapter.

**3.82.020 Disposition of Weapons**

The chief of police may allow a police officer to purchase the officer's duty handgun at the time of his or her separation from city service, at the fair market value of the handgun. The chief of police shall determine an officer's standing with the city at the time of the officer's separation and will not permit the sale upon circumstances other than honorable separation. No portion of this section shall supersede the officer's need to meet all legal requirements to possess a firearm. At the time of sale, the officer shall sign a waiver of legal liability, releasing the city and its employees and agents from all liability or responsibility for anything that concerns the handgun.

**3.82.030 Disposition of Badges**

- a. The chief of police may allow the disposition of a police officer's badge to the officer at the time of his or her separation from city service, or upon the police officer's promotion to a higher rank.
- b. The fire chief may allow the disposition of a firefighter's badge to the firefighter at the time of his or her separation from city service.

c. The city attorney may allow the disposition of a prosecutor's badge to the attorney at the time of his or her separation from city service.

d. Any person receiving a badge under this section shall take reasonable measures to ensure against inappropriate or illegal use of the badge.

**3.82.040 Disposition of Canines**

The chief of police may allow the disposition of a police canine to a canine handler in a manner consistent with the terms in the labor agreement between the city and the recognized peace officers' union. If there are no relevant terms in the labor agreement, the chief of police shall have discretion regarding disposition of a police canine. At the time of disposition, the new owner shall sign a waiver of legal liability, releasing the city and its employees and agents from all liability or responsibility for anything that concerns the canine.

**3.82.050 Property Not Disposed Pursuant to this Chapter**

Any item subject to disposition under this chapter, but not disposed of pursuant to this chapter, shall be subject to disposition pursuant to Chapter 3.80.

**3.83.060 Accrual of Rights Only Upon Transfer**

The provisions of this chapter do not grant to any employee any rights or interests until such time as the ownership of the subject property has been transferred according to this chapter.

Adopted by the City of Sacramento City Council on \_\_\_\_\_ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

\_\_\_\_\_  
MAYOR

Attest:

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

Passed for Publication:  
Published:  
Effective: