

Missoula City Council Public Safety and Health Committee Minutes

February 3, 2021

3:00 PM

ZOOM Webinar

Members present: Stacie Anderson (chair), John P. Contos, Mirtha Becerra, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

1. ADMINISTRATIVE BUSINESS

1.1 Roll Call

Roll call was taken and everyone is present.

1.2 Approval of the Minutes for January 6, 2021

Minutes have been approved.

3. COMMITTEE BUSINESS

3.1 Firearm Safety

Stacie Anderson, Chair

The lead sponsor of the resolution, Ms. Vasecka, will now give a presentation.

Sandra Vasecka

I'm here to ask the council to adopt a resolution for firearm safety. This is not a pro-gun or an anti-gun resolution. This is purely about firearm safety. One of the things that this resolution promotes, not requires, is a brief firearm safety brochure to be taught to first through third graders. It is an easy and quick pamphlet to teach the students the important rule of not touching a firearm. And if a friend touches a firearm, you leave, and tell an adult. This is crucial because, even if your household does not have any firearms, it is estimated that up to 90 to 95% of households in Montana do have firearms. Most homes probably have their firearm safely locked up, but it is a great step to know that your child knows what to do when they do see a firearm.

I would encourage everyone to look at and teach their kids the handout on attachment B with the Safe Brochure. This resolution also promotes hunter safety education in schools. This resolution is not requiring hunter safety in schools. It is purely saying that the city backs this curriculum. This stance is supported by state law in Montana Code Annotated 2019 20-7-132 which states, "The trustees of a district are encouraged to establish and maintain a firearms safety education course. The trustees may adopt a course of instruction developed by the department of fish, wildlife, and parks, a law enforcement agency, or a firearms association as its firearms safety education course. Instructors from the department of fish, wildlife, and parks, a law enforcement agency, or a firearms

association or a person recognized by the trustees as having expertise in firearms safety education may be used to provide the instruction.”

This is also supported by this Superintendent of Public Instruction and I asked that the city just follow suit. Firearm safety should be taught to anyone who handles a firearm, but there are a lot of limitations on how one can access these programs. Currently, they're taught outside of school hours and many school aged children lack the resources, the funds, transportation and/or time necessary to complete these programs. Especially as a female, I think it is important to make hunter safety education available. If hunter safety is made available in schools, it will be purely voluntarily, not mandatory, much like driver's education. It would be taught by a certified hunter teacher.

When I spoke with FWC. They told me that there are many retired folks who would be interested in getting certified or are already certified and would love to teach the class. It is quite possible that there are teachers already in the classroom who would be interested in getting certified, or are already certified to teach this class. What I am proposing with this resolution is to encourage schools to add this program, at the school's discretion, as an elective as a before/after school program to participate in voluntarily, not taking away any current curriculum.

Finally, as many of you in the audience remember, and some folks were on council at the time, it was voted in 2016 to establish an ordinance for mandatory background checks for the private transfer of firearms. That ordinance was then overturned. This resolution promotes the individual's duty to responsibly follow a procedure when selling, buying or transferring a firearm to another private individual.

This resolution is purely about promoting safety. I want to be clear this is purely promoting, not requiring firearm safety. We live in Montana where a favorite pastime is shooting, hunting and collecting firearms. Like I mentioned before, up to 90 to 95% of households in Montana do have firearms. In a perfect world, every firearm would be locked up safely and securely, but this is not a perfect world and mistakes are made. It is a responsible thing to at least teach our kids not to touch a firearm without proper supervision.

Stacie Anderson

So, we've had a presentation on the resolution. I will now open it up to questions from council members.

Julie Merritt

I am curious, where that statistic of that 90 to 95% of households in Montana own guns. What's the source for that statistic?

Sandra Vasecka

I read it on the Be Safe brochure and I also read it in a Gun Laws of Montana book by Gary Marbut and on the Montana Shooting Sports Association website. I also read another statistic that 33% of households nationwide have guns in the home.

Julie Merritt

I believe that the data is very dated and question if we should be relying on that. Also, I wonder if there is any evidence that this program prevents children from handling firearms.

Sandra Vasecka

I do not know, but I would be happy to look into that and get that to you.

Julie Merritt

(Will send a study to Ms. Vasecka that reads that children do not actually carry out the instructions as taught, but merely parrot back the instructions given to them.)

Amber Sherill

I would like to see more research regarding age appropriateness of firearm safety being taught to children of 6 to 8 years old. She states that Montana Code Annotated that was referred to earlier was speaking of school districts and not City Council. This sounds like a curriculum request that should be handled by the school board. Would also like to see the statistics that Ms. Merritt mentioned earlier.

Sandra Vasecka

I'm not suggesting that this be a curriculum to replace anything or to be actually be a class. It's just a quick brochure to have at assembly for 10 minutes, maybe an hour, just once a year, maybe. Like, like I said, this is just something promoting firearm safety because it is up to the school board, it is up to the trustees. I was not elected to a school board. This is just purely having the city say that we encourage this to be in school so that it gives them an opportunity to discuss it to talk about it. Purely up to the schools to decide. It is not getting a curriculum in the schools.

Just like the Montana code says, and as we are a legislative official, it is our duty to uphold state law. So I'm just bringing attention that state law is encouraging this. As I've said, it's not part of the curriculum. It's like when firefighters come in and teach, stop, drop and roll, or you're taught not to put a fork in a light socket, or anything like that.

Gwen Jones

Asked who Gary Marbut is. Feels that this is part of the Missoula County Public Schools jurisdiction and not our place.

Sandra Vasecka

States that she is working with Mr. Marbut solely on the issue of firearm safety.

Jesse Ramos

It seems a little bit ungenue from folks on the on the council saying that this is not really in our purview to weigh in on.

(Jesse Ramos brought up the letter of support that was written to the Majory Stoneman Douglas High School in Florida and questioned the weighing in on that situation when it might be out the council's purview also.)

So that's just kind of my thought it seems inconsistent that It doesn't seem sincere that folks are all of a sudden, concerned about maybe the separation of school board and City Council because all this does is suggest that it might be a good idea. It doesn't say you have to do this, you have to teach this way, just saying we support the general idea of the fees. Just like in the Marjory Stoneman Douglas letter that we hoped for sensible solutions to school gun violence, this appears to me to be a very sensible solution on teaching kids at a young age that weapons are very powerful. With great power comes great responsibility.

Gwen Jones

So I just want to point out the letter we wrote to the Marjory Stoneman Douglas High School in Parkland, Florida that was in support of them. It wasn't dictating their curriculum. So it's a big, big difference.

Online research reveals that gun education for first graders is, not only controversial, but can be extremely ineffective and actually have unintended consequences if it's not done correctly. There's actually a lot of research and child psychology behind how to do it appropriately. So I think there's a lot of issues to discuss here and that's why you look at the data.

Stacie Anderson

I'd like to ask the sponsors, why this particular curriculum was selected to endorse comparative to other curriculum? What stood out about this particular curriculum and why you decided to make the choice to go forward with it?

Sandra Vasecka

A lot of the other curriculum was teaching parents to lock up their guns, but I couldn't find any other curriculum that would teach kids not to touch the guns.

Stacie Anderson

Asked if Gary Marbut requested that Ms. Vasecka bring this resolution before the committee or did she initiate it herself.

Sandra Vasecka

I personally was working on this before the coronavirus hit. I reached out to FWP and some school officials asking how I could help get FWP hunters education programs into schools. I was told by FWP that the schools have to reach out to them and then I started reaching out to the school officials and they said that it's just not something that they're comfortable doing. It's because it's really controversial. So yes, it is essentially up to the schools, but hunters FWP is really excited about getting into schools because everyone wants hunters to be safe. So when Gary published that article, I took it as a kickstarter to reintroduce the idea.

When reaching out to schools encouraging connection with FWP regarding firearm safety, only one school responded to the email and calls. The rest did not.

Heidi West

I am making the motion, but will not vote for it because it is not appropriate for the City Council to weigh in on this matter. It is up to the Missoula County School Board of Trustees or school PTA's to bring up the issue.

Mirtha Becerra

I would like to know from the sponsors, why the education is being targeted to first through third graders and do you know of other school districts that have taken on this curriculum?

Sandra Vasecka

That is what the Montana Shooting Sports Association (MSSA) recommends. I'd be happy to look into why those grades and get back to you on that. I do not know of any other school districts that have adopted this curriculum.

Mirtha Becerra

Is this education done by one entity, Fish, Wildlife and Parks and do they have the staff necessary to do this?

Sandra Vasecka

The FWP has some people on staff that do it, but then they also take in anybody who wants to get certified to teach. I would have to reach out the FWP and find out about the details.

This resolution is encouraging one to be safe program, and then there is a completely separate part encouraging hunter safety in schools, and then a completely separate part encouraging the proper knowledge when transferring firearms.

The Be Safe Program would just be a brochure that is available to teachers, and if it's approved by the school board. It's just available to print out and teach their kids a quick 10 minute thing provided by the MSSA. The second one is encouraging FWP to be allowed in schools to teach hunters education, and then the third thing is just the city saying, here is a guideline on how to sell you're firearm properly within state law.

Heather Harp

Was there any other possible age groups that there was curriculum type materials for?

Sandra Vasecka

I'm sure that it could be developed for other grades and I'd be happy to find out if there's a curriculum for older students. I'd also be happy to work with you all to amend this resolution if we can come to an agreement.

Danette Fadness, Missoula resident, grandmother, suicide prevention educator

I can tell you that for my suicide prevention education that it's more like around 65% of our Montana households that do own firearms, for those who are looking for those statistics. I'm here to say that the Be Safe Program brochure that they've been talking about is not developmentally appropriate education for six to eight year old kids, and at last, lacks best practices in the practice firearm safety measures.

The American Academy of Pediatrics, the CDC Safe Kids Worldwide, Every Town for Gun Safety, the Be Smart Program and suicide prevention programs all agree, the onus is on adults to keep kids safe by responsibly storing their guns unloaded lock and out of reach inside of youth with ammunition locked in stored separately. It is always an adult's responsibility to keep kids safe, prevent unauthorized access to guns, not a curious kid's responsibility to avoid guns. However, it is important to teach kids not to touch guns if they find one, and to tell an adult right away. Simply talking to kids about guns, is a precaution, not a guarantee of safety. Kids are curious and they may find and touch an unsecured gun, even if they've been told not to.

If a child handles a gun, a bad decision can quickly become a fatal one. Each year in the United States nearly 300 children aged 17 and under gain access to a firearm and unintentionally shoot themselves, or someone else, and over 600 more children die by suicide with a gun. Each year, 80% of those youth gained access to the firearm at home, or a relative's home. Firearm safety best practices placed the onus on adults to keep kids safe from guns, unlike the Be Safe brochure, which seeks to gun proof our kids. Although parents often believe their kids do not know where the guns are stored, research shows that 70% know where they are store and 35% of them have gained access without their parent's knowledge.

Kids are curious, don't touch is an astonishingly useless thing to tell first to third graders. In a congressional report by the Government Accountability Office they found that teaching kids not to touch guns is highly ineffective, noting most of the children were able to verbally recall the safety message, but when the children found a gun, they did not leave the area, nor tell an adult during the assessment. They found this method was only effective with intensive training, which this brochure clearly cannot provide. The brochure lacks these best practice, practice safety measures and seeks to normalize gun access for children, noting, their parents let the kids spend as much time as they want looking at the guns, talking about gun safety as soon they will be ready for their first 22 rifles. During injury prevention work, I talked with families about responsible storage, and I've given out over 5,000 gun locks to give families the tools for responsible storage and to keep our kids safe. The majority of the Be Safe brochure, 11 of about 15 paragraphs glamorize guns, teach kids how to touch guns, making it seem like because a child has received this brief education, they are ready to handle firearms, which endangers our children, and may give families, a false sense of safety. Thank you.

Bob Campbell

My name is Bob Campbell I live in ward five. I'd like to voice my support for this resolution. I feel that support from the city and adopting this resolution can serve as an impetus for schools to create and sustain firearm safety education. I've been listening to a lot of discussion here about curriculum, you know, what is it what won't be, what would be directed by this resolution in particular and I think we're missing the horse through the trees, so to speak. When I look at this resolution, I see it as a way of transmitting an ideal, more than anything else to school boards here in Missoula area and just give them the idea and the motivation to go now, and create the curriculum that they think is appropriate. And that you as a council think it is important to set up some sort of gun safety education in the classroom, and let the form of that happen with our elected school boards. And let's face it my ??? is a strong one standing tradition involving possession

use of firearms in Missoula is no exception, as discussed when we talk about hunting, targets, towards self-defense, or simply collect.

And I think that we hope that each and every owner of firearms treat them with due care and safety at all times, including storage, but unfortunately, that's not always going to be the case. There's always going to be a possibility but getting child exposed to a firearm or left out in an unsafe condition. I've heard some discussion about percentages of ownership in the Missoula area and knows that 30% isn't 90%. Obviously, I think common sense would say it's probably somewhere in between the two. But, I guess, in one sense it's neither here nor there. The fact of the matter is they're out there and people aren't always treating with respect that they deserve. And so, our kids are going be confronted, in one way shape or form, with having a firearm left out and in an unsafe condition.

As for me and my family, we have always practiced strict safety. Just a little professional personal background, I've raised four children myself to adulthood. I've had professional firearms training in both in military as a law enforcement officer in the Missoula community. As a parent, I'm always concerned about how my child's friend's parents are setting up a situation of promoting firearm safety in their households.

This is why I think gun safety education can really make a difference, be it in the classroom, hunter safety programs, state sanctioned safety programs, nothing ad hoc, offered those programs in schools as a way of increasing gun safety, and I think again curriculum wise, I think we're getting hung up here a little bit on particular curriculum.

I feel the council here is a great opportunity to claim the importance of firearm safety and minister to youth and encourage our schools to provide this much needed education. And in closing, I just like to thank councilors Vasecka, Contos, and Ramos for bringing this important resolution forward. I hope everyone on the committee here can support and adopt this resolution. Thank you for your time and thank you for your consideration.

Amber Sherrill

I want to say that I do appreciate the sponsors for considering this issue. To me this is a jurisdictional issue. Also, since the hunter's education courses accepts kids 12 year and over, I would not support anything earlier than that. I would need to see more research done other than from MSSA. I don't feel like I can support it where it is right now.

Julie Merritt

I just want to be crystal clear for Jesse, since he asked about the difference between the letter that we wrote to the Parkland community supporting them after the tragedy that they suffered and us as a lawmaking body, passing a resolution that is attempting to direct the actions of other elected officials. In my opinion, we don't have it. That would be like the school board, writing a resolution and telling us, we should do a better job of providing affordable housing because they have so many students who are homeless or at risk of homeless, and we don't do that. So, that's the difference there and I don't think it's something that you need to be confused about and is perfectly clear when the city

council as a lawmaking body passes a resolution. That's totally different than us signing on to, to support a community that's had a tragedy.

Bryon von Lossberg

I can't support the resolution and I won't. I want to be crystal clear about why because it's not because of the shared ground that we have, it's that the resolution specifically calls out a curriculum and, with respect to the public comment. It's not a nebulous general sort of thing it's a specific thing, and I will concisely say that that curriculum offered is inappropriate, not proven, and several other things, but inappropriate and the irony is not lost to me I'm actually a parent of a third grader in this and I'm a firearm owner.

When I purchased my firearms via a private transaction, I went through a background check, voluntarily, and so similarly to the specific curriculum, and I believe the lack of efficacy of that curriculum. I and one of my co-sponsors of the background checks ordinance met with Mr. Marbut and we reviewed this document about private firearm sales, there is some common ground in there. The guide references the background check system, which is not lost on me. It also recognizes an exemption for people that hold concealed carry permits, which in the course of deliberations over the background checks ordinance, we included as an exemption to our ordinance, so there's no question that there's some shared ground. There are other aspects to that guide that I find. . . ineffective would be the kindest words I could use for it, and I will not sign my name, endorsing those practices, despite the common ground around things like background checks.

Much has been said about our role in the in the school board. Other than to agree with those that have pointed out that there's nothing disingenuous about this. The only thing disingenuous is to not be able to see the difference between a letter to have support to students in the community and resolution as Ms. Merritt was talking about.

Heather Harp

Thank you, Brian I think he really articulated kind of where I'm feeling she was just trying to speak to that shared ground.

Sandy, espite some of my colleagues comments, I really do appreciate what you're trying to do. I think going to the school board in particular, and presenting this idea is the way to go about it. There are a couple other issues that I would actually join you at the table, presenting to the school board in addition to firearm safety, because we realize that more and more young people are more susceptible to suicide. So it's important to have these really hard conversations, no matter how difficult they might be. The other things that I would like to also support would be some programs that the city, county health department work on concerning sexual health and domestic violence, and supporting additional mental health resources.

Sandra Vasecka

Asked a procedural question about whether this resolution could be brought up at a future time if it failed in vote today.

Stacie Anderson

After taking a vote, if it passes, it will go on to Monday night with a recommendation to pass. If the majority of council members vote against it, it will still move on to a Monday night with a recommendation not to pass and then that dispenses with this particular resolution. It does not preclude you from bringing other resolutions having to do with firearms, but you would have to have some kind of substantive changes. You just can't redo this particular one, but that topic is not close to you.

Jesse Ramos

Thank you very much for being here, and I certainly appreciate the vibrant discussion. I hope that we can all work together to find a solution that helps with our ultimate goal. I'm just looking at the proclamation that Mayor Engen read on June 5, 2020. Anyone who can join this campaign of gun violence by wearing the color of orange on Friday, June 5 to help raise awareness about gun violence, encourage responsible gun ownership, to help keep our children safe and to do so we can keep firearms out of the wrong hands. I think that's what Vasecka, Contos and myself are all trying to do here. We're just trying to do the best that we can to try and fulfill that pledge in that proclamation as well. And I just want to say that I really admire Ms. Vasecka's bravery in bringing this before the council today. I know that it's not easy and I know that most folks understood that this was DOA. I am happy to support the motion today.

Stacie Anderson

I don't feel like I am qualified in my particular elected position to move for recommendations of a particular curriculum. I think there's a process for that. I feel as though we're overstepping our bounds. I will not be in support of this motion.

I will take the vote now.

Stacie Anderson

The motion failed on a three to nine vote, but as we stated a couple minutes earlier, it will appear on committee reports, having a do not pass recommendation from this committee. So we will have a conversation about this again on Monday night and vote on it.

Moved by: Heidi West

The committee does not recommend that City Council adopt the resolution.

AYES: (3): John Contos, Jesse Ramos, and Sandra Vasecka

NAYS: (8): Stacie Anderson, Mirtha Becerra, Heather Harp, Gwen Jones, Julie Merritt, Amber Sherrill, Bryan von Lossberg, and Heidi West

ABSENT: (1): Jordan Hess

Vote results: Failed (3 to 8)

3.2 Review items held in City Council committee

Review the follow items held in committee to determine if they require a new sponsor and/or whether or not they will continue to be held in committee.

3.2.1 Missoula Aging Services, Initiatives and Services Update - Susan Kohler

John Contos is the sponsor. He will reach out to Missoula Aging Services and ask Susan Kohler to give the yearly update when her schedule allows.

3.2.2 Health Department Update

This item will is dispensed with.

3.2.3 Missoula Municipal Code changes required by passage of LR-130

Bryan von Lossberg would like to keep as an agenda item. Stacie Anderson agreed.

4. ADJOURNMENT

End time 4:11 p.m.