



## Legislation Text

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**File #:** 24-490, **Version:** 1

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*Report Prepared by: Craig J. Cornwell City Attorney*

**SUBJECT:** Introduction and Waiving of First Reading of Ordinance Adopting Police Department's Military Equipment Policy

### REPORT IN BRIEF

Effective January 1, 2022, Assembly Bill (AB) 481 requires law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy by ordinance prior to taking certain actions relating to the funding, acquisition, or use of military equipment.

### RECOMMENDATION

**City Council** - Introduce and waive first reading:

- A. Hold public hearing on Ordinance Adopting Police Department's Military Equipment Policy; and,
- B. Introducing and Waiving of First Reading of **Ordinance 2566**, an Ordinance of the City Council of the City of Merced, California, Adopting a Military Equipment Use Police, Otherwise Referred to Herein as a Specialized Police Equipment Use Policy, Pursuant to Assembly Bill 481 and Government Code Sections 7070, Et Seq.; and,
- C. Authorizing all actions necessary to implement the Police Department's Military Equipment Policy Ordinance.

### ALTERNATIVES

- 1. Approve as recommended by staff; or,
- 2. Approve, subject to conditions other than as recommended by staff; or
- 3. Deny; or
- 4. Continue to a future meeting.

### AUTHORITY

Assembly Bill 481.

### CITY COUNCIL PRIORITIES

As provided for in the 2024-25 Adopted Budget.

### DISCUSSION

On September 30, 2021, Governor Newsom signed into law Assembly Bill (AB) 481 (Attachment 3), which went into effect on January 1, 2022, and added California Government Code sections 7070 through 7075 relating to the funding, acquisition, and use of military equipment by local law enforcement agencies. The bill required law enforcement agencies seeking to fund or acquire new military equipment or continue use of any military equipment acquired prior to January 1, 2022, to draft a military equipment use policy and obtain approval from its governing body via adoption of an ordinance.

On an annual basis thereafter, an agency is required to publish a military equipment report to its website and hold at least one community engagement meeting to allow the public to ask questions and discuss the report. The annual report shall include a summary of each type of military equipment, its intended purpose, how each type of equipment was used by the agency during the preceding year, a summary of any complaints received concerning the equipment, the results of any internal audits pertaining to violations of the military equipment use policy, the total cost for each type of equipment, and quantity possessed.

AB 481 further requires the governing body, at least annually, to review any ordinance that it has adopted approving the funding, acquisition, or use of military equipment and vote on whether to renew the ordinance. The City Council may renew or not renew the authorizing ordinance, disapprove authorization for equipment where standards have not been met, or require modifications to the military equipment use policy based on whether the equipment detailed within the annual report complies with policy and meets specified standards as set forth in California Government Code section 7071, subdivision (d).

## **IMPACT ON CITY RESOURCES**

There is no fiscal impact associated with this report. The military equipment annual report outlines the fiscal impact associated with each item of equipment. Requests for future funding and acquisition of new military equipment will require City Council review and approval.

## **ATTACHMENTS**

1. Ordinance 2566
2. Assembly Bill 481