

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, STATE OF CALIFORNIA, ADOPTING A MILITARY EQUIPMENT USE POLICY PURSUANT TO AB 481

WHEREAS, Governor Gavin Newsom signed AB 481 into law on September 30, 2021; and

WHEREAS, the legislative intent behind AB 481 is to increase the public transparency by which California law enforcement agencies fund, acquire, and/or use military equipment as defined under AB 481; and

WHEREAS, AB 481 requires California law enforcement agencies, such as the Sheriff's Department, to obtain approval from their governing body of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, and/or use of military equipment; and

WHEREAS as used in AB 481, the term "military equipment" does not necessarily indicate equipment used by the military, and includes items such as unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, long range acoustic devices, and flashbangs. The items defined by AB 481 as "military equipment" are employed by many law enforcement agencies across the country as best practices to enhance citizen and officer safety.

WHEREAS, AB 481 requires that the governing body make certain findings with respect to the military equipment use policy prior to its approval as set forth in Government Code Section 7071(d)(1); and

WHEREAS, AB 481 requires California law enforcement agencies that receive approval for a military equipment use policy to submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter so long as the military equipment is available for use; and

WHEREAS, AB 481 requires the applicable governing body of the California law enforcement agency to annually review the military equipment use policy to either disapprove a renewal of the authorization of a type of military equipment or amend the military equipment use policy; and

WHEREAS, in order to comply with AB 481, the Sheriff's Department has submitted its Military Equipment Use Policy No.706 for the City Council's review and adoption, along with the Military Equipment Report.

NOW THEREFORE, THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the considerations and requirements in Government Code Section 7071(d) (1) have been met. Specifically, the City Council makes the following findings:

- A. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
- B. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
- C. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and,
- D. There was no prior policy on use of military equipment and therefore no findings can be made with respect to compliance of prior use with prior policies.

SECTION 2. Napa County Sheriff Department Policy No.706, entitled "Military Equipment," and attached hereto as Exhibit A, is hereby adopted and approved.

SECTION 3. This Ordinance shall take effect thirty (30) days after its passage.

SECTION 4. The City Council of the City of American Canyon finds that adoption of this ordinance is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

SECTION 5. A summary of this Ordinance shall be published at least once five days before final adoption and at least once before the expiration of 15 days after its passage in a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 19th day of April, 2022 by the following vote:

AYES: Councilmember Joseph, Oro, Washington, and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: Vice Mayor Aboudamous

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 3rd day of May, 2022, by the following vote:

AYES: Councilmembers Joseph, Oro, Washington, and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: Vice Mayor Aboudamous

DocuSigned by:
Leon Garcia
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Leon Garcia, Mayor

ATTEST:

DocuSigned by:
Taresa Geilfuss
009347083BC94DC...
Taresa Geilfuss, City Clerk

APPROVED AS TO FORM:

DocuSigned by:
William D. Ross
285D50133D93421...
William D. Ross, City Attorney