

ORDINANCE NO. 2022- XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA
APPROVING THE LA MESA POLICE DEPARTMENT'S MILITARY EQUIPMENT
USE POLICY

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (creating Government Code Section 7070, et seq.), relating to use of military equipment by California law enforcement agencies;

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used;

WHEREAS, the La Mesa Police Department is in possession of certain items of equipment that qualify under the broad definition of "military equipment" under AB 481;

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released and written military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department's use of such equipment;

WHEREAS, the Policy and supporting information must be approved by the governing body by ordinance, and reviewed annually;

WHEREAS, the City Council of the City of La Mesa, having received the information required under AB 481 regarding the La Mesa Police Department's use of "military equipment" as defined in said law, deems it to be in the best interest of the City to approve the Military Equipment Use Policy as set forth herein;

WHEREAS, this Ordinance will not be codified in the La Mesa Municipal Code.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of La Mesa, California as follows:

SECTION 1: The City Council finds that the above recitals are true and correct and are incorporated herein by this reference.

SECTION 2: The City Council hereby approves and adopts the following:

La Mesa Police Department Policy 706 – Military Equipment, attached hereto as Exhibit "A" and Military Equipment Inventory, attached hereto as Exhibit "B," which are hereby incorporated by reference.

(a) The City Council has made the following determinations:

(1) The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

(2) This proposed military equipment use policy attached hereto as Exhibit "A" ("Policy") will safeguard the public's welfare, safety, civil rights, and civil liberties;

(3) The equipment described in the Policy is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any); and

(4) Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time and any future use of items deemed military equipment will be fully compliant with the Policy approved by this Ordinance.

(b) The La Mesa Police Department has made the Policy available on the Police Department's website for at least 30 days prior to the public hearing concerning the military equipment at issue and described in the Policy.

(c) The Policy was considered by the City Council as an agenda item in an open session of a regular meeting, noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.

(d) The Policy shall be made publicly available on the La Mesa Police Department's website for as long as the military equipment is available for use.

(e) The La Mesa Police Department shall submit an annual military equipment report to the City Council, containing the information required in Government Code Section 7072, and the City Council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in (a)(1)-(4) above.

(f) The City Council shall review this Ordinance, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code Section 7071(e)(2).

(g) The City Council approves the use of the Policy and finds that it satisfies the requirements of Government Code Section 7070(d).

SECTION 3: This ordinance shall be effective 30 days after its adoption and the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published at least once in the *East County Californian* within 15 days of its adoption.

INTRODUCED AND READ at a Regular meeting of the City Council of the City of La Mesa, California, held the 26th day of April 2022, and thereafter PASSED AND ADOPTED at a Regular meeting of said City Council held the 10th day of May 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

APPROVED:

MARK ARAPOSTATHIS, Mayor

ATTEST:

MEGAN WIEGELMAN, CMC, City Clerk

Attachments incorporated by reference:

1. Exhibit A – La Mesa Police Department Policy 706 – “Military Equipment”
2. Exhibit B – Military Equipment Inventory

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 2022-_____, duly passed and adopted by the City Council of said City on the date and by the vote therein recited and that the same has been duly published according to law.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)