

ORDINANCE NO. _____ (2022 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, ADOPTING A MILITARY EQUIPMENT USE POLICY

WHEREAS, On September 30, 2021, Governor Gavin Newsome signed into law Assembly Bill 481, codified at California Government Code sections 7070 through 7075, relating to the use of military equipment by law enforcement agencies; and

WHEREAS, Assembly Bill 481 requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to applicable California open meeting laws, before a law enforcement agency can take certain actions related to the acquisition, funding, deployment, or other use of military equipment. The term “military equipment” is defined in California Government Code section 7070(c); and

WHEREAS, Assembly Bill 481 allows the applicable governing body to approve a military equipment use policy, and the acquisition, funding, deployment, or other use of military equipment by law enforcement within its jurisdiction as provided in the policy, only if the governing body makes specified determinations as provided in California Government Code section 7071(d)(1); and

WHEREAS, certain approved military equipment, used by law enforcement in an authorized manner, can assist law enforcement to accomplish its fundamental mission to safeguard the public welfare, safety, civil rights, and civil liberties of the community it serves; and

WHEREAS, the San Luis Obispo Police Department does not currently have, and has not had in the past, a military equipment use policy; and

WHEREAS, The San Luis Obispo Police Department has proposed a military equipment use policy (“Proposed Policy”), pursuant to California Government Code sections 7070 through 7075, which, if approved, will be included in San Luis Obispo Police Department Policy Manual as Policy No. 709; and

WHEREAS, in accordance with California Government Code sections 7071(a)(2) and 7071(b), on March 18, 2022 the San Luis Obispo Police Department submitted the Proposed Policy to the Council of the City of San Luis Obispo City (“Council”), the governing body with oversight authority over the San Luis Obispo Police Department budget, and, further, on the same date, published the Proposed Policy for public review on the San Luis Obispo Police Department internet website and the City of San Luis Obispo internet website; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Findings and Determinations. The Council hereby finds, declares and determines the following:

1. The above recitals are true and correct and are incorporated herein by reference.
2. Based on the information provide to Council at the public meeting to consider the Proposed Policy, including, but not limited to, the Proposed Policy, the City staff report, staff input provided at the meeting, all public comments and input provided at the meeting, all agenda correspondence, and all written submissions provided to Council in advance of or at the meeting, Council finds and determines as follows:
 - a. The military equipment identified in the Proposed Policy is necessary because there are no reasonable alternatives that can achieve the same objective of officer, civilian and community safety;
 - b. The Proposed Policy will safeguard the public’s welfare, safety, civil rights, and civil liberties; and
 - c. The military equipment to be purchased, as identified in the Proposed Policy, is reasonably cost effective compared to available alternatives that can achieve the same objective of officer, civilian and community safety.

SECTION 2. Adoption of Policy. Based on the above Findings and Determinations, the Proposed Policy is approved and adopted as San Luis Obispo Police Department Policy No. 709. The San Luis Obispo Chief of Police shall have authority, without further Council action, to amend the Policy to the extent necessary to clarify the Policy or to comply with subsequent changes in the law, to the extent such amendments do not require Council action.

SECTION 3. Publication. Within fifteen (15) days after its passage, the City Clerk shall cause a summary of this ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city.

SECTION 4. Severability. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct, and independent provision and such holding shall not affect the validity and enforceability of the other provisions of this Ordinance.

INTRODUCED on the ____ day of _____, 2022, **AND ADOPTED** by the Council of the City of San Luis Obispo on the ____ day of _____, 2022, on the following vote:

AYES:
NOES:
ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk

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