



STAFF REPORT

SUBJECT: Adopt Resolution 2023-39 Renewing Ordinance 261-2022 and Approval of the Clearlake Police Department Military Equipment Report

MEETING DATE:
September 7, 2023

SUBMITTED BY: Tim Hobbs, Chief of Police

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to adopt resolution 2023-39, renewing Military Equipment Policy Ordinance 261-2022 and approve the Clearlake Police Department Annual Military Equipment Report in accordance with state law requirements as set forth in Assembly Bill No. 481.

BACKGROUND/DISCUSSION:

On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 ("AB 481"), adding Chapter 12.8, "Funding, Acquisition and Use of Military Equipment", to Division 7 of Title 1 of the Government Code (sections 7070 – 7075), relating to the use of military equipment by California law enforcement. The law requires that agencies utilizing or seeking to acquire military equipment, as defined, must have a policy approved by the City Council by ordinance and review it annually thereafter.

The police department does not utilize former military equipment; however, the law's definition of "military equipment" is comprehensive and includes many items commonly used in law enforcement. The proposed policy identifies one item already owned by the City, a mobile command unit, and one item we intend to seek in the future, an unmanned aerial system (drone).

1. The mobile command unit, a converted ambulance, is used as a field command post for major incidents in the city. In recent years, these incidents have primarily been fires.
2. A drone would be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to search and rescue, suspect apprehension, crime scene documentation, tactical operations, scene security, hazard monitoring, identification and mitigation, response to emergency calls, crisis communications and legally authorized surveillance.

The Department currently utilizes mutual aid to obtain special weapons and tactics (SWAT) resources. Given the variety of agencies that could potentially respond, the proposed policy provides that those agencies are required to comply with their respective military equipment use policies. Determining what resources they may bring to a particular incident is impractical; restricting them in advance would unnecessarily jeopardize public safety.

The Department posted the Military Equipment Use Policy on its internet website in July of 2023 and the annual military equipment report in August of 2023. A public meeting was held on September 7, 2023, at City Hall to gather public input on the policy and the annual report.

OPTIONS:

1. Adopt Resolution 2023-39 and approve the 2022-23 Military Equipment Annual Report
2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

1. Adopt Resolution 2023-39: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE RENEWING ITS MILITARY EQUIPMENT POLICY
2. Approve the 2022-23 Military Equipment Annual Report

- Attachments:**
- 1) Resolution 2023-39
 - 2) 2022-23 Military Equipment Annual Report
-