



City of Grass Valley City Council Agenda Action Sheet

Title: AB 481 - Military Equipment Annual Inventory and Report; renewal of ordinance #815

Recommendation: Approve the attached equipment inventory as well as the associated annual report, renew previously adopted ordinance #815 pursuant to requirements of AB-481

Prepared by: Alexander K. Gammelgard, Chief of Police

Council Meeting Date: 05/23/2023

Date Prepared: 05/16/2023

Agenda: Consent

Background Information: On 04/26/2022, the City Council heard and adopted its first reading of Ordinance #815 related to the police military equipment use policy (attached), pursuant to the requirements of AB-481, in accordance with Government Code 7070 et al. This was done to ensure the City of Grass Valley and its police department were in compliance with the new legislative changes. Now that we are one year into the policy, part of maintaining compliance is an annual report to City Council, updating the military equipment and policy as necessary, making the information public, and holding a meeting to discuss the policy and equipment with members of the public. The goal of this report and action of the Council is to ensure full compliance and transparency with the legislative requirements.

Analysis/Discussion:

There have been no legislative changes to Government Code 7070, GVPD Policy 706, and/or City of Grass Valley Ordinance 815 since their adoption.

Government Code Section 7070 (c) defines “Military equipment”. The attached Annual Inventory Report identifies equipment utilized by GVPD that matches those definitions. It also indicates the quantity of any equipment utilized during calendar year 2022, pursuant to the requirement of 7072(a). Additional information is included in the written report (attached).

The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

- (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.
- (D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Staff has reviewed these safeguards and finds that all of them have been met to the best of the police department’s knowledge, training, and experience.

The governing body (City Council) shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, vote on whether to renew the ordinance at a regular meeting. The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth above. If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval, the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

The police department believes that the military equipment used by, and in possession of, the police department, as well as the previously adopted policy and ordinance, complies with the standards of the law.

The police department will hold a public meeting no more than 30 days from the approval of this action item, where the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment (Government Code 7072(b)). We will also post our annual report and associated documents to the police department webpage (Government Code 7072(a)).

Council Goals/Objectives: The execution of this action attempts to achieve Strategic Goal #6 - Exceptional Public Safety

Fiscal Impact: Any costs will be budgeted in the police department budget, or made by special request if a need arises beyond acquisition requests included in this action.

Attachments:

- Annual Inventory Report
- Annual Military Equipment Report
- Ordinance #815
- Grass Valley Police Department Policy

Funds Available: N/A

Account #: N/A

Reviewed by: