

ORDINANCE NO. 2659

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS RE-ADOPTING A MILITARY EQUIPMENT USE POLICY AND RE-APPROVING THE USE, ACQUISITION, AND SEEKING OF FUNDING FOR MILITARY EQUIPMENT

WHEREAS, California Government Code § 7071 (a)(1) requires a law enforcement agency to obtain approval of the applicable governing body, by adoption of a Military Equipment Use Policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined; and

WHEREAS, on January 9, 2024, the Davis City Council adopted a military equipment ordinance and military equipment use policy governing certain police equipment in Davis; and

WHEREAS, acquisition and approval for use of new military equipment must be authorized by ordinance; and

WHEREAS, on June 4, 2024, the Davis City Council authorized the replacement of used and/or expired military equipment; and

WHEREAS, the Davis Police Department uses military equipment, as now defined by State law; and

WHEREAS, the Davis Police Department desires to continue using military equipment and/or collaborate with other law enforcement agencies in using military equipment that was previously approved by ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Ordinance 2649 regarding authorized Davis Police Department military equipment is hereby repealed on the effective date of this City of Davis Ordinance.

SECTION 2. Findings.

On June 4, 2024, the City Council considered the adoption of this Ordinance at a public meeting, and on the basis of the record thereof finds the following facts to be true:

- A. Assembly Bill 481, codified as California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain re-approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy, at a regular meeting held pursuant to open meeting laws, and also prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term “military equipment” is defined in California Government Code section 7070(c).

- B. Government Code sections 7070 et. seq. allows the governing body of a city to approve the funding, acquisition, and/or use of military equipment within its jurisdiction only if it makes specified findings.
- C. The proposed Davis Police Department military equipment use policy is titled Policy & Procedure 3.22-A "Military Equipment" and is within the Davis Police Department Policy Manual.
- D. Davis Police Department Policy & Procedure 3.22-A "Military Equipment", along with a list of current and proposed "military equipment," was provided to the Davis City Council and was published on the Davis Police Department's internet website in accordance with State law.
- E. Davis Police Department Policy & Procedure 3.22-A "Military Equipment" meets the requirements of California Government Code section 7070(d).

SECTION 3. Determinations.

Based on the findings above, in addition to information provided to the City Council at the public hearing on June 4, 2024, the City Council determines as follows:

- A. The "military equipment" (as defined by California Government Code section 7070(c)) identified in Davis Police Department Policy & Procedure 3.22-A "Military Equipment" section II., I. is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
- B. The Policy & Procedure 3.22-A "Military Equipment" will safeguard the public's welfare, safety, civil rights, and civil liberties;
- C. The current "military equipment" identified in section II., I. of Policy & Procedure 3.22-A "Military Equipment" and the purchasing of any future "military equipment" on the list of approved "military equipment" (as defined by California Government Code section 7070(c)) 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 use policy that was in effect at the time;
- E. Davis Police Department Policy & Procedure 3.22-A "Military Equipment" is approved and adopted and the City Council authorizes the use, acquisition, and seeking of funds for all "military equipment" listed in section II., I. and as defined by California Government Code section 7070(c) and Policy & Procedure 3.22-A "Military Equipment".
- F. Future acquisition of "military equipment" and/or modifications to the Davis Police Department Policy & Procedure 3.22-A "Military Equipment" will require further City Council authorization.

SECTION 4. Certification.

The City Clerk shall certify to the adoption of this Ordinance and shall cause the same or a summary thereof to be published as required by law.

SECTION 5. Severability.

If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

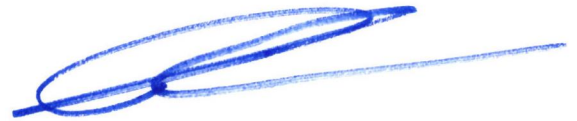
SECTION 6. Effective Date.

This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

INTRODUCED on the 4th day of June 2024, and PASSED AND ADOPTED by the City Council of the City of Davis on this 18th day of June, 2024, by the following vote:

AYES: Arnold, Neville, Partida, Vaitla, Chapman

NOES: None



Josh Chapman
Mayor

ATTEST:



Zoe S. Mirabile, CMC
City Clerk