

Ordinance No. 1694(22)

**An Ordinance of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Approving The Lompoc 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 Lompoc 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 Lompoc, having received the information required under AB 481 regarding the Lompoc 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN 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 finds as follows:

- (a) The military equipment inventoried and presented to the City Council, which is attached to the Military Equipment Use Policy ("Policy") (Exhibit A hereto), is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
- (b) The Policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
- (c) The equipment described in the Policy is reasonably cost effective compared to available alternatives, if any, that can achieve the same objective of officer and civilian safety;

(d) 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, or if prior uses did not comply with the accompanying Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance by way of the adoption of the Policy by this Ordinance.

SECTION 3. The Lompoc Police Department has made the Policy available on the Police Department’s website for at least 30 days prior to the City Council meeting concerning the military equipment at issue and described in the Policy.

SECTION 4. 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.

SECTION 5. The Policy shall be made publicly available on the Police Department’s website for as long as the military equipment is available for use.

SECTION 6. The Lompoc 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 Section 2 (a)-(d) above.

SECTION 7. 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)(1).

SECTION 8. The City Council approves the Policy and finds that it satisfies the requirements of Government Code Section 7070(d), and approves the continuing use of military equipment pursuant to the Policy.

SECTION 9. This Ordinance shall be effective on the thirty-first day after its adoption.

This Ordinance was introduced on April 19, 2022, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2022, by the following electronic vote:

PASSED AND ADOPTED this ___th day of ___ 2022, by the following electronic vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc

Attachment: Exhibit A Military Equipment Use Policy