**ORDINANCE NO. 22-**

# AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL

# OF THE CITY OF EL CENTRO

# APPROVING A MILITARY EQUIPMENT USE POLICY

# FOR THE EL CENTRO POLICE DEPARTMENT

**SECTION 1.** Findings. The City Council of the City of El Centro finds as follows:

1. Assembly Bill 481 (California Government Code Sections 7070 through 7075), relating to the use of “military equipment” by law enforcement agencies, as that term is defined by Government Code Section 7070 became effective January 1, 2022.
2. Assembly Bill 481 now requires that before taking certain actions relating to the funding, acquisition, or use of military equipment, a law enforcement agency must have City Council approval of a military equipment use policy (the “Policy”).
3. The El Centro Police Department has developed such a Policy in coordination with Lexipol, which draft Policy is attached as Exhibit “A”.
4. The El Centro Police Department has posted such Policy on its website for at least 30 calendar days prior to the date of hearing and such Policy shall remain posted on that website during the entire period of its use; and
5. Assembly Bill 481 allows the City Council to approve the funding, acquisition, or use of military equipment within the City when it makes specified findings at a duly noticed public hearing; and

G. At an open session held on April 19, 2022, during a regular City Council meeting conducted pursuant to the Ralph M. Brown Act, the City Council considered the attached Policy, the presentation of the Police Department and any public testimony and based upon thereon, the City Council finds as follows:

(1) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of

officer and civilian safety; and

(2) The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties; and

(3) 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; and

(4) 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; and

H. The Policy will be maintained by the El Centro Police Department which will submit an annual report to the City Council and hold a community engagement meeting, as provided by Govt. Code Section 7072 if it determines to renew this ordinance beyond its one-year term.

**SECTION 2.** Adoption of Policy. The City Council of the City of El Centro does ordain as follows:

1. The Findings set out above are true and correct and adopted.
2. El Centro Police Department Policy 706 hereby is adopted as set out in Exhibit A, attached and incorporated.

**SECTION 3.**

Term: This ordinance shall take effect 30 calendar days from the date of its adoption and shall terminate without further action one (1) year from its effective date unless otherwise renewed pursuant to Govt. Code Section 7072 as that may be amended from time to time.

**SECTION 4**

Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this ordinance. The City Council hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California held on       day of      , 2022.

 CITY OF EL CENTRO

 By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Tomas Oliva, Mayor

ATTEST:

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Norma Wyles, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA )

COUNTY OF IMPERIAL ) ss

CITY OF EL CENTRO )

 I, Norma Wyles, City Clerk of the City of El Centro, California do hereby certify that the foregoing Ordinance No. 22-      was duly and regularly adopted at a regular meeting of the City Council of the City of El Centro, California, held on the       day of      , 2022, by the following vote:

 AYES:

NOES:

 ABSENT:

 ABSTAINED:

 By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Norma Wyles, City Clerk