

ORDINANCE NO. 2022-09

AN ORDINANCE ADOPTING A MILITARY
EQUIPMENT USE POLICY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City Council hereby finds the following:

- A. On September 30, 2021, California Assembly Bill 481, relating to the use of military equipment by law enforcement agencies in the State of California, was signed into law.
- B. Assembly Bill 481, codified in Government Code sections 7070-7015, requires law enforcement agencies to obtain approval by ordinance from the applicable governing body of a "military equipment" (as that term is defined in Government Code section 7070) policy, during a regular meeting prior to taking specified actions relating to the funding, acquisition, or use of the defined types of military equipment.
- C. The Visalia Police Department has prepared Policy 708 - Military Equipment, to meet these new state law requirements. A copy of Policy 708, including the applicable equipment inventory, is attached hereto and made a part hereof by reference as Exhibit "A".
- D. The military equipment policy must be approved by the governing body by ordinance and reviewed annually thereafter.
- E. Policy 708 describes the military equipment utilized by the Visalia Police Department, equipment quantity, capabilities, expected lifespan, and includes product descriptions from the equipment manufacturer.
- F. Policy 708 describes the purposes and authorized uses for which the Visalia Police Department proposes to use each type of described military equipment.
- G. Policy 708 describes the fiscal impact for the military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
- H. Policy 708 describes the legal and procedural rules that govern authorized use of the equipment.
- I. Policy 708 describes the training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before Visalia Police Department employees are allowed to use each specific type of military equipment.
- J. Policy 708 includes mechanisms to ensure compliance.
- K. Policy 708 includes procedures by which members of the public may register complaints, concerns, or submit questions about the use of each specific type of military equipment and

how the Visalia Police Department will ensure that each complaint, concern, or question will receive a response in a timely manner.

- L. The military equipment inventoried and presented by the Visalia Police Department is necessary because there is no reasonable alternative that can achieve the same objectives of officer and civilian safety.
- M. Policy 708 will safeguard the public welfare, safety, civil rights, and civil liberties.
- N. The military equipment described in Policy 708 is reasonably cost effective compared to available alternatives.
- O. Prior military equipment use by the Visalia Police Department complies with the proposed policy and if prior uses did not comply with the proposed policy, then corrective actions have been taken to remedy nonconforming uses and ensure compliance.
- P. The Visalia Police Department has submitted the proposed policy for review and has made the documents available on the City of Visalia website for at least thirty (30) days prior to the adoption of this ordinance approving the proposed policy.
- Q. Policy 708 was considered as an agenda item in open session of a regularly scheduled meeting of the Visalia City Council, which was noticed in advance in accordance with applicable open meeting laws.
- R. The process to authorize and approve this ordinance was commenced prior to May 1, 2022.

Section 2: Policy 708 shall be made publicly available on the City of Visalia website for as long as the military equipment contained in the inventory is in use.

Section 3: The Visalia Police Department shall submit an annual military equipment report to the City Council and this report shall contain all the information required in Government Code section 7072 and the City Council shall review and vote on whether to renew approval of the military equipment policy during a regularly scheduled meeting.

Section 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not impact the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 5: This Ordinance shall take effect thirty days after its adoption.

PASSED AND ADOPTED:

MAYOR

ATTEST:

APPROVED BY CITY ATTORNEY:

CITY CLERK