



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: May 23, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Alex D. McIntyre, Interim City Manager

PREPARED BY: Ryan Johansen, Chief of Police

SUBJECT: Receive Annual Military Equipment Use Report, Review the Military Equipment Use Ordinance, and Adopt a Resolution Renewing the Military Equipment Use Ordinance Number 2022-1910

BACKGROUND:

On September 30, 2021, California Assembly Bill 481 (AB 481) was signed into law adding California Government Code Sections 7070, 7071, and 7072. The text of AB 481 is attached to this Staff Report for reference.

AB 481 requires a law enforcement agency to obtain the approval of its governing body, through the adoption of a Military Equipment Use Policy, 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. The bill allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. AB 481 requires the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type of military equipment or amend the military equipment use policy if it determines, based on an Annual Military Equipment Report prepared by the law enforcement agency, that the military equipment does not comply with the above-described standards for approval.

California Government Code Section 7070 provides a list of types of equipment that are to be considered "Military Equipment" for purposes of compliance with AB 481. While the San Bruno Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use, it does possess some types of equipment that are listed in Section 7070. Additionally, the San Bruno Police Department participates in a regional S.W.A.T. team, which possesses and utilizes additional types of equipment that qualify as "Military Equipment" according to the Government Code.

On March 1, 2022, City Council approved the Military Equipment Use Policy by motion, and introduced the new Ordinance (Chapter 2.52) Regarding Police Department Acquisition and Use of Military Equipment.

On April 26, 2022, City Council approved the Military Equipment Use Ordinance No. 2022-1910, as codified in Title 2, Chapter 2.52 of the San Bruno Municipal Code.

California Government Code Sections 7071 and 7072 require that City Council receive an Annual Military Equipment Use Report, review the report for compliance with the Military Equipment Use Ordinance, and vote on whether to renew the ordinance each year.

DISCUSSION:

The Annual Military Equipment Use Report is attached to this Staff Report, and pursuant to AB 481, it includes the following:

- A summary of how the equipment was used and the purpose of its use
 - All uses were in compliance with this ordinance
- A summary of any complaints or concerns received concerning the equipment
 - There were none
- The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response
 - Nothing to report
- The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the Annual Military Equipment Use Report
 - See attached Annual Military Equipment Use Report
- The quantity possessed of each type of equipment
 - See attached Annual Military Equipment Use Report
- If the law enforcement agency intends to acquire additional equipment in the next year, the quantity sought for each type
 - No intention to acquire additional equipment at this time

It is chiefly important to note that during the reporting period there were no uses of equipment covered by this ordinance that were not compliant with the Military Equipment Use Ordinance and the Military Equipment Use Policy. The Police Department did not acquire any new military equipment during the reporting period, nor does it have any plans to acquire new military equipment in the next calendar year.

AB 481 prescribes an annual process for reviewing the policy and renewing the ordinance. Specifically, Government Code Section 7072 requires the Police Department to submit to the City Council an annual military equipment report, and to hold at least one “well-publicized and conveniently located community engagement meeting, at which 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.” Then, to renew Ordinance No. 2022-1910, Government Code Section 7071 requires the City Council to determine, based on the annual military equipment report submitted by the Police Department, whether each type of military equipment identified in that report has complied with the standards for approval. The City Council meeting on May 23, 2023 is intended to satisfy all of the requirements of AB 418, including the community engagement meeting on the report.

FISCAL IMPACT:

There is no fiscal impact.

ENVIRONMENTAL IMPACT:

There is no environmental impact.

RECOMMENDATION:

Staff recommends that City Council receive the Annual Military Equipment Use Report, review the Military Equipment Use Ordinance, and adopt a Resolution renewing the Military Equipment Use Ordinance No. 2022-1910.

ALTERNATIVES:

1. Request amendments to the Ordinance
2. Request additional information before renewing the Ordinance

ATTACHMENTS:

1. Resolution
2. 2022 Annual Military Equipment Use Report
3. San Bruno Military Equipment Use Ordinance No. 2022-1910
4. San Bruno Police Department Military Equipment Use Policy
5. Text of California Assembly Bill 481 (AB 481)