

ORDINANCE NO. 577-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, ADOPTING A MILITARY EQUIPMENT POLICY PURSUANT TO ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill (“AB”) 481, creating California Government Code Sections 7070 et seq., relating to the funding, acquisition and use of military equipment by California law enforcement agencies. AB 481 became effective on January 1, 2022; and

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; and

WHEREAS, the Murrieta Police Department is in possession of certain items of equipment that qualify as “military equipment” under AB 481; and

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment must prepare a publicly-released military equipment policy (“Policy”) 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; and

WHEREAS, the Policy was uploaded to the Murrieta Police Department’s internet website on April 1, 2022, for public review; and

WHEREAS, during the April 19, 2022 City Council meeting, the City Council and the public received a presentation by the Murrieta Police Department, regarding AB 481, the Policy and the military equipment currently used by the Murrieta Police Department; and

WHEREAS, pursuant to AB 481, the Policy and supporting information must be adopted by the governing body by ordinance, and reviewed and approved or amended annually, at a regular meeting of the governing body in an open session; and

WHEREAS, the City Council of the City of Murrieta, having received the information required under AB 481 regarding the Murrieta 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 Policy as set forth herein.

NOW THEREFORE, the City Council of the City of Murrieta, does hereby ordain as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2.

(a) The City Council finds and makes the following determinations regarding the Murrieta Police Department Policy # 709 – Military Equipment Policy (“Policy”):

- (1) The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
- (2) The Policy will safeguard the public’s welfare, safety, civil rights, and civil liberties;
- (3) The military equipment identified in the Policy 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 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 military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance

(b) The Murrieta Police Department submitted the Policy to the City Council and made the Policy available on the Murrieta Police Department’s website for at least thirty (30) days prior to the public hearing concerning the military equipment at issue.

(c) 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.

(d) The Policy shall be made publicly available on the Murrieta Police Department’s internet website for as long as the military equipment is available for use.

(e) The Murrieta Police Department shall submit an annual military equipment use report to the City Council containing the information required in California Government Code Section 7072, as that section may be amended from time to time, 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 (a)(1)-(4), above.

(f) 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 California Government Code Section 7071(e)(2), as that section may be amended from time to time.

(g) The City Council approves the use of the Policy and finds that it satisfies the requirements of Government Code Sections 7070, et seq.

SECTION 3. The City Council finds the introduction and adoption of this Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because there is no potential for it to result

in a physical change in the environment, either directly or indirectly. In the event this Ordinance is found to be subject to CEQA, it is exempt from CEQA pursuant to the exemption contained in CEQA Guidelines under Section 15061(b)(3) "Common Sense" exemption because it can be seen with certainty that there is no possibility of a significant effect on the environment.

SECTION 4. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

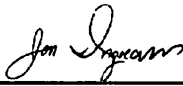
SECTION 5. This Ordinance shall take effect and be enforced thirty (30) days following its adoption by the City Council.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and shall publish this Ordinance in accordance with the law.

INTRODUCED at a regular meeting of the City Council of the City of Murrieta, California, held on this 17th day of May, 2022; and

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Murrieta, California, held on the 7th day of June, 2022.

APPROVED:



Jonathan Ingram, Mayor

ATTEST:



Cristal McDonald, City Clerk

APPROVED AS TO FORM:



Tiffany Israel, City Attorney

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify under penalty of perjury that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on the 17th day of May, 2022, and that thereafter the said Ordinance was duly and regularly adopted at a meeting of the City Council on the 7th day of June, 2022, by the following vote, to wit:

AYES: White, Stone, Warren, DeForest, Ingram

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this 7th day of June, 2022.

Kimberly Ramirez

(Seal)

Cristal McDonald, City Clerk

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that Ordinance 577-22 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in the *Press Enterprise* newspapers of general circulation on the following date:

Adoption Ordinance:

June 16, 2022

In witness whereof, I have hereunto subscribed my name this:

Kimberly Ramirez

Cristal McDonald, City Clerk