



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
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Agenda Report

22-409

Agenda Date: 3/22/2022

REPORT TO COUNCIL

SUBJECT

Action to Waive Second Reading and Adopt Ordinance No. 2042 Approving a Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481

COUNCIL PILLAR

Enhance Community Engagement and Transparency

BACKGROUND

At the March 8, 2022 Council meeting, proposed Ordinance No. 2042 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, proposed Ordinance No. 2042 was published on March 16, 2022 and copies were posted in three public places. The Ordinance now comes to Council for final adoption.

DISCUSSION

The proposed ordinance would adopt Santa Clara Police Department Policy 706 which describes each piece of military equipment acquired by the Santa Clara Police Department and provides guidelines for the approval, acquisition, and reporting requirements of military equipment. In addition, the ordinance would permit the Santa Clara Police Department to continue its use of military equipment described in Santa Clara Police Department Policy 706. In accordance with the requirements of AB 481, the Santa Clara Police Department has held community engagement meetings at which members of the public were able to discuss and ask questions about the proposed Military Equipment Policy.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

The Police Department secures approximately \$175,000 in asset forfeiture funds and \$500,000 in local, State and Federal grants for education programs, enforcement operations, equipment and training annually.

AB 481 requires law enforcement agencies that seek to continue use of military equipment acquired prior to January 1, 2022, to approve an annual Military Purchase and Equipment Use Policy by May 1, 2022. Without such, the Police Department will be required to cease the use of approximately \$1,093,178 in the Department's operating equipment.

Without City Council approval, the Police Department's ability to respond to a critical incident, and provide mutual aid when called upon, would be detrimental to the safety of the public, involved parties in the incident and increase the City's risk exposure.

COORDINATION

This report was coordinated with the Finance Department and City Attorney's Office.

PUBLIC CONTACT

A summary of proposed Ordinance No. 2042 was published to the Santa Clara Weekly on March 16, 2022, and copies were posted in three public places and made available for public inspection at the City Clerk's Office.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov.

RECOMMENDATION

Waive Second Reading and Adopt Ordinance No. 2042 Approving a Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481.

Reviewed by: Sujata Reuter, Chief Assistant City Attorney

Approved by: City Manager's Office

ATTACHMENTS

1. Ordinance No. 2042 (introduction)