

ORDINANCE NO. 2453

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, CALIFORNIA, ADDING SECTION 2.20.050 "MILITARY EQUIPMENT USE POLICY" TO CHAPTER 2.20, TITLE 2, OF THE MONTEBELLO MUNICIPAL CODE ESTABLISHING A MILITARY EQUIPMENT USE POLICY IN COMPLIANCE WITH ASSEMBLY BILL 481

RECITALS

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 ("AB 481") (creating Government Code section 7070, et seq.), relating to the use of military equipment by California law enforcement agencies; 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, AB 481 requires that a law enforcement agency possessing and using qualifying military equipment must prepare a written and publicly released military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process applicable to the Montebello Police Department's use of such equipment; and

WHEREAS, the Military Equipment Use Policy ("Policy") and supporting information must be approved by the governing body by ordinance and reviewed annually; and

WHEREAS, Government Code section 7070(c)(16) states that "military equipment" does not include general equipment not designed as prohibited or controlled by the federal Defense Logistics Agency; and

WHEREAS, the Montebello Police Department does not yet possess those items of equipment that qualify as "military equipment" under AB 481, but may possess such items in the future; and

WHEREAS, the City Council of the City of Montebello ("City"), having received the information required under AB 481 regarding the Montebello 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 Use Policy as set forth herein.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The above recitals are true and correct and made part of this Ordinance.

SECTION 2. AMENDMENTS; ADDITIONS. Section 2.20.050, "Military Equipment Use Policy," is added to Chapter 2.20, "Police and Fire Departments," of Title 2, "Administration and Personnel," of the Montebello Municipal Code and will read as follows (additions in double underline):

**TITLE 2 – ADMINISTRATION AND PERSONNEL
CHAPTER 2.20 – POLICE AND FIRE DEPARTMENTS**

2.20.050 Military Equipment Use Policy

- A. The City Council has made the following determinations:
1. In the event that the Montebello Police Department ("Department") obtains equipment that qualifies as "military equipment" under Assembly Bill 481, the military equipment will be identified in the Montebello Military Equipment Use Policy ("Policy") and will be necessary where 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 will be reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety, if any.
- B. The Department has submitted a proposed Policy to the City Council and has made those documents available on the Department's website for at least 30 days prior to the public hearing concerning the military equipment use 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 Department's website for as long as the military equipment is available for use.

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- E. The Department shall submit an annual military equipment report to the City Council, containing the information required in Government Code section 7072, 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 section (A)(1-3) above. 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 Government Code section 7071(e)(2).

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after approval by the Council.

SECTION 4. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted according to law.

APPROVED AND ADOPTED this 28th day of September 2022


Kimberly A. Cobos-Cawthorne, Mayor

ATTEST:


Christopher Jimenez, City Clerk

APPROVED AS TO FORM:


Arnold M. Alvarez-Glasman, City Attorney

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I HEREBY CERTIFY that the foregoing Ordinance was introduced at the regular meeting of the City Council on the 24th day of August 2022 and was adopted by the City Council of the City of Montebello at its meeting held on the 28th day of September 2022 by the following vote:

AYES: Melendez, Peralta, Jimenez, Cobos-Cawthorne

NOES: Torres

ABSTAIN: None

ABSENT: None



Christopher Jimenez, City Clerk