

PUBLIC NOTICE
SUMMARY OF ORDINANCE FOR PUBLICATION
(GOV'T CODE §36933)
ORDINANCE NO. 1045B

ORDINANCE OF THE COUNCIL OF THE CITY OF LINCOLN ADOPTING
THE POLICE DEPARTMENT'S MILITARY EQUIPMENT USE POLICY AND
APPROVING USE, PURSUIT OF FUNDING FOR, AND ACQUISITION OF
MILITARY EQUIPMENT AS DESCRIBED IN THE POLICY

Date of First Reading: May 10, 2022, with approval by the following vote: AYES: 5 (Joiner, Silhi, Karleskint, Lauritsen, Andreatta); NOES: 0; ABSENT: 0.

Date of Second Reading & Adoption: May 24, 2022, with approval by the following vote: AYES: 5 (Joiner, Karleskint, Lauritsen, Silhi, Andreatta); NOES: 0; ABSENT: 0.

The full text of this Ordinance is available for inspection at the Lincoln City Hall, 600 6th Street, Lincoln, CA. 95648 and on the City's website in the most recent City Council agenda at: <http://www.lincolncalifornia.gov/city-hall/city-council/council-meeting-agendas-minutes-video> .

Summary of Ordinance: Adopt a written military equipment use police in compliance with State Assembly Bill 481 which became effective January 1, 2022.

Gwen Scanlon, City Clerk
Date: May 25, 2022
Publish Date: June 2, 2022

ORDINANCE 1045B

ORDINANCE OF THE COUNCIL OF THE CITY OF LINCOLN ADOPTING THE POLICE DEPARTMENT'S MILITARY EQUIPMENT USE POLICY AND APPROVING USE, PURSUIT OF FUNDING FOR, AND ACQUISITION OF MILITARY EQUIPMENT AS DESCRIBED IN THE POLICY

WHEREAS, the mission of the Lincoln Police Department is to provide the highest quality of police services to the public it serves; and

WHEREAS, the preservation and sustainability of public safety, civil rights and officer safety is critical; and

WHEREAS, the Department responds to a wide variety of calls potentially involving life and death circumstances, and operates in often unpredictable and dynamic situations; and

WHEREAS, a variety of equipment options is needed for the safe and effective resolution of those situations; and

WHEREAS, each situation is evaluated by incident commanders or supervisors who, based upon the circumstances and Department directives, determine which equipment should be used; and

WHEREAS, the Department's catalogue of military equipment, as defined by state law, and associated training gives police officers the confidence and capability to de-escalate volatile situations, enhance the safety of the public and officers, and bring critical incidents to a safe resolution; and

WHEREAS, Assembly Bill 481 became effective January 1, 2022; and

WHEREAS, AB 481 defines military equipment at California Government Code § 7070(c) to include a wide range of equipment as described in the Department's Military Equipment Use Policy ("Policy"); and

WHEREAS, AB 481 requires the Department to obtain the approval of the City Council by an ordinance adopting the Policy prior to requesting military equipment from the federal government, seeking funds for military equipment, including grants and donations, acquiring military equipment, collaborating with another law enforcement agency in the use of military equipment in Lincoln, using any new or existing military equipment in a manner not previously approved by the Council, or entering into an agreement for funding, receipt, acquisition, use of, or collaboration in the use of military equipment; and

WHEREAS, in order to promote public safety, civil rights and officer safety, the Department desires to continue using, seeking funding for, acquiring, and collaborating, when necessary, with other law enforcement agencies, in the use of the military equipment described in the Policy; and

WHEREAS, the Council has examined the Department's Policy and finds the Department has submitted all information described in Government Code § 7070(d), enabling the Council to make the following findings:

1. Pursuant to Government Code § 7071(d), the Council finds the military equipment described in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; and

2. Pursuant to Government Code § 7071(d), the Council further finds the Policy will safeguard the public's welfare, safety, civil rights and civil liberties; and

3. Pursuant to Government Code § 7071(d), the Council further finds that continued use of existing military equipment and purchase of military equipment described in the Policy is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and

4. Pursuant to Government Code § 7071(d), the Council further finds the Department will ensure use of existing military equipment described in the Policy will comply with the Policy in the future.

NOW THEREFORE, THE CITY OF LINCOLN ORDAINS:

SECTION 1. The Police Department Military Equipment Use Policy is hereby adopted.

SECTION 2. By adoption of the Military Equipment Use Policy, the Council approves seeking funds for military equipment described in the Policy, including grants and donations, acquiring military equipment described in the Policy, collaborating as needed with other law enforcement agencies in the deployment or use of military equipment in Lincoln, using existing military equipment as described in the Policy, and soliciting or entering into an agreement for funds, acquisition, use of, or collaboration for use of military equipment as described in the Policy.

SECTION 3. Nothing in this approval is intended to supersede or override existing processes to seek approval for the appropriation and expenditure of funds through the budget process, or existing processes for the approval and execution of contracts, donations and grants.

SECTION 4. Council shall review this Ordinance annually and vote whether to renew the Ordinance, consistent with the requirements of state law.

SECTION 5. Full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and public prior to the date of its passage.

SECTION 6. This ordinance shall take effect on the expiration of thirty (30) days from the date of final adoption.

INTRODUCED at a regular meeting of the City Council of the City of Lincoln held on May 10, 2022.

PASSED AND ADOPTED this 24th day of May, 2022 by the following vote:

AYES COUNCILMEMBERS: Joiner, Karleskint, Lauritsen, Silhi, Andreatta

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:



Holly Andreatta, Mayor

ATTEST:



Gwen Scanlon, City Clerk