

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 9.90 OF THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO AB 481 MILITARY EQUIPMENT

BE IT ORDAINED by the City of Santa Cruz as follows:

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, creating Government Code Section 7070, et seq., relating to the use of military equipment by California law enforcement agencies;

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;

WHEREAS, on May 10, 2022, the Santa Cruz City Council (“City Council”) adopted Ordinance 2022-09, adding Chapter 9.90 to the Santa Cruz Municipal Code (“SCMC”) and adopting a Military Equipment Use Policy;

WHEREAS, Government Code section 7071(a)(1)(C) requires SCPD to obtain approval from the City Council prior to acquiring military equipment;

WHEREAS, Government Code section 7070(c)(1) defines unmanned, remotely piloted, powered aerial or ground vehicle as military equipment;

WHEREAS, pursuant to Government Code section 7071(a)(1)(c), SCPD is requesting approval from the City Council to acquire five (5) Skydio X10 Unmanned Aircraft Systems “Drones,”

WHEREAS, the addition of drones to SCPD’s inventory will enable SCPD to respond to a variety of service calls (e.g., natural disasters, traffic collisions, crimes in progress, search and rescue) and support officer and civilian safety that no other reasonable alternative equipment can provide.

WHEREAS, the City Council, having received the amended Military Equipment Use Policy listing the five (5) drones and information required under AB 481 regarding the SCPD’s use of military equipment as defined in AB 481, deems it to be in the best interest of the City to approve the amended Military Equipment Use Policy as set forth herein.

SECTION 1. Chapter 9.90 of the Santa Cruz Municipal Code is amended as follows:

9.90.010 MILITARY EQUIPMENT POLICY.

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- (a) The city council hereby adopts the January 2024 military equipment use policy (“policy”) set forth in Santa Cruz Police Department Policy 705 after having made the following determinations:
- (1) The military equipment inventoried and presented in the policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
 - (2) The proposed policy will safeguard the public’s welfare, safety, civil rights, and civil liberties;
 - (3) The equipment identified in the policy is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety, if any;
 - (4) Prior military equipment use complied with the military equipment use policy 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 police department has submitted a proposed policy to the city council and has made those documents available on the police department’s website for at least thirty 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 police department’s website for as long as the military equipment is available for use.
- (e) The police 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 in subsections (a)(1) through (4).
- (f) The city council shall review this chapter and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code Section 7071(e)(2).
- (g) The city council approves the use of the policy and finds that it satisfies the requirements of Government Code Section 7070(d).

SECTION 2. Severability. If any section or portion of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the chapter, which shall continue in full force and effect.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days after final adoption.

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PASSED FOR PUBLICATION this 23rd day of January, 2024, by the following vote:

AYES: Councilmembers Newsome, Brown, Watkins, Brunner, Kalantari-Johnson;
Vice Mayor Golder; Mayor Keeley.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 13th day of February, 2024 by the following
vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above And
foregoing document is the original of
Ordinance No. 2024-05 and that it has
been published or posted in accordance
with the Charter of the City of Santa
Cruz

Bonnie Bush, City Clerk Administrator