

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF CITY COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA APPROVING THE GLENDALE POLICE DEPARTMENT'S
SPECIALIZED EQUIPMENT USE POLICY**

RECITALS

WHEREAS, on September 30, 2021, the Governor signed into law Assembly Bill 481 ("AB 481") which codifies Government Code sections 7070 through 7075 relating to the use of "military equipment", as defined therein, by California law enforcement agencies;

WHEREAS, under AB 481, a law enforcement agency is required to obtain approval from its governing body, by an ordinance adopting a "military equipment use policy", at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of "military equipment";

WHEREAS, a governing body of a city may approve the funding, acquisition, or use of "military equipment" within its jurisdiction only if it makes specified determinations;

WHEREAS, the Glendale Police Department is in possession of certain items of equipment that fall within the definition of "military equipment" in AB 481 and refers to such items as "specialized equipment";

WHEREAS, the Glendale Police Department's proposed Specialized Equipment Use Policy is attached hereto as Exhibit "A" and incorporated herein by this reference;

WHEREAS, the Specialized Equipment Use Policy was published on the Glendale Police Department's internet website on March 11, 2022, more than 30 days before the Specialized Equipment Use Policy was first considered at a public hearing before the City Council on April 12, 2022;

WHEREAS, the Specialized Equipment Use Policy meets the requirements of Government Code section 7070(d); and

WHEREAS, a law enforcement agency that receives approval for a military equipment use policy shall submit an annual report to the governing body within one year

of approval and annually thereafter for as long as the military equipment is available for use.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE AS FOLLOWS:

SECTION 1. The above recitals are hereby declared to be true and correct and represent the findings of the City Council.

SECTION 2. “Specialized equipment” has the same meaning as “military equipment” as defined in AB 481. Specialized equipment means the following:

- A) Unmanned, remotely piloted, powered aerial or ground vehicles.
- B) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- C) High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- D) Tracked armored vehicles that provide ballistic protection to their occupants.
- E) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- F) Weaponized aircraft, vessels, or vehicles of any kind.
- G) Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- H) Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- I) Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms and ammunition of less than .50 caliber that are issued to officers.

- J) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- K) Noise-flash diversionary devices and explosive breaching tools.
- L) Munitions containing tear gas or oleoresin capicum (OC), excluding standard, service-issued handheld pepper spray.
- M) TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- N) Kinetic energy weapons and munitions.
- O) Any other equipment as determined by a governing body or a state agency to require additional oversight.
- P) Notwithstanding subparagraphs A through O above, "Specialized Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

SECTION 3. Based on the recitals above, the definition of Specialized Equipment in Section 2 herein, and the written and oral information provided to the City Council at the public meeting held on April 12, 2022, the City Council approves the Glendale Police Department's Specialized Equipment Use Policy and determines as follows:

- A) The specialized equipment inventoried and presented to the City Council and contained in the Specialized Equipment Use Policy is necessary because there are no reasonable alternatives that can achieve the same objective of officer and civilian safety.
- B) The Specialized Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C) The items identified in the Specialized Equipment Use Policy are reasonably cost effective compared to available alternatives that achieve the same objective of officer and civilian safety.
- D) Prior specialized equipment use complied with the applicable City policies that were in effect at the time.

SECTION 4. The Police Department shall submit an annual report regarding the use of specialized equipment to the City Council, containing the information required in Government Code section 7072, and the City Council shall determine whether each type of equipment identified in the report has complied with the standards for approval set forth in Section 3 A) through D) of this Ordinance.

SECTION 5. Severability.

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

SECTION 6. Urgency Finding. The City Council declares this Ordinance to be an urgency measure to take effect immediately upon its adoption pursuant to Article VI, section 7 of the City of Glendale Charter.

AB 481 became effective on January 1, 2022 and requires a law enforcement agency to obtain approval from its governing body of a military equipment use policy by ordinance prior to the agency funding, acquiring, or using military equipment. Specifically, AB 481 states: "No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section." (Government Code section 7071(a)(2))

The Glendale Police Department has been working diligently to prepare the required policy and inventory of specialized equipment. Given the extensive requirements for the policy and inventory as well as the notice requirements, the matter could not be brought to the City Council in time to accommodate an ordinance taking effect in 30 days. It is in the City's and the public's best interest to ensure compliance with AB 481 as any delay would prevent the Glendale Police Department from adequately protecting the public

and maintaining community safety. Adopting this Ordinance to take effect immediately will ensure that the City and its Police Department are equipped to preserve the public peace, health, safety and welfare of this community.

SECTION 7. Effective Date. Pursuant to Article VI, section 7 of the City of Glendale Charter, this Ordinance shall take effect immediately upon its adoption by four-fifths of the City Council.

SECTION 8. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

Passed and adopted by a four-fifths vote on this ____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, Aram Adjemian, City Clerk of the City of Glendale, hereby certify that the foregoing Ordinance was adopted by the Council of the City of Glendale, California, at a regular meeting held on the _____ day of _____, 2022, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk