

ORDINANCE O2023-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING THE UPDATED POLICE MILITARY EQUIPMENT USE POLICY TO ADD ADDITIONAL EQUIPMENT IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTIONS 7070 THROUGH 7075

WHEREAS, on August 1, 2023, the City Council adopted ordinance O2023-008 related to the use of Police Military Equipment in accordance with California Government Code Sections 7070 through 7075, and

WHEREAS, California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body prior to taking certain actions relating to the funding, acquisition, solicitation, or use of military equipment; and

WHEREAS, the Police Chief has determined that additional military equipment is necessary to support the police department mission to safeguard the public's welfare, safety, civil rights, and civil liberties; and

WHEREAS, the City's "Police Military Equipment Use Policy" (attached hereto as Exhibit "A,"), has been updated to incorporate the requested military equipment specified as the "2023 Proposed Equipment" inventory (attached hereto as Exhibit "B,"). The updated policy, with the proposed inventory was published on the police department website at least 30 days prior to the public hearing in accordance with Government Code section 7071, and

WHEREAS, the 2023 Proposed Equipment identified in the updated Napa Police Military Equipment Use Policy is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety; and

WHEREAS, the 2023 Proposed Equipment identified in the updated Napa Police Military Equipment Use Policy is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Napa as follows:

SECTION 1: The City Council hereby determines that the Recitals set forth in this ordinance are true and correct and incorporated herein. The Recitals establish the factual basis for the Council's adoption of this ordinance.

SECTION 2:

A. The City Council has made the following determinations:

ATTACHMENT 1

1. The 2023 Proposed Equipment inventory (“Proposed Equipment”), attached hereto as Exhibit B, is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety;
 2. The updated Napa Police Military Equipment Use policy (“Updated Policy”), attached hereto as Exhibit A, will safeguard the public’s welfare, safety, civil rights, and civil liberties;
 3. The Proposed Equipment 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 Updated Policy, including the Proposed Equipment, 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.
- C. The Updated Policy shall be made publicly available on the police department’s website for as long as the military equipment is available for use.
- D. The City Council hereby approves the Updated Policy, including the Proposed Equipment, and its use and finds that it satisfies the requirements of Government Code section 7070(d).
- E. Following the receipt of the Proposed Equipment, the police department will incorporate these items into the subsequent annual military equipment reports for review by the City Council in accordance with Government Code 7071(e)(2).

SECTION 3: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 3rd day of October, 2023, and had its second reading and was adopted and passed during the public meeting of the City Council on the 17th day of October, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney