

ORDINANCE O2025-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, (1) APPROVING THE UPDATED POLICE MILITARY EQUIPMENT USE POLICY TO ADD ADDITIONAL EQUIPMENT IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTIONS 7070 THROUGH 7075; AND (2) TO RECEIVE THE ANNUAL MILITARY EQUIPMENT REPORT PURSUANT TO GOVERNMENT CODE SECTION 7071 AND DETERMINING THAT ALL EQUIPMENT IDENTIFIED IN THE REPORT COMPLIES WITH GOVERNMENT CODE SECTION 7071(D) AS REQUIRED BY GOVERNMENT CODE SECTION 7071(E)

WHEREAS, On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies; and

WHEREAS, Assembly Bill 481, codified at 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, Assembly Bill 481, requires that the approval by the governing body be by an ordinance adopting a military equipment use policy, at a regular meeting held pursuant to open meeting laws; and

WHEREAS, Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations with respect to a military equipment use policy; and

WHEREAS, the Napa Police Department's "Military Equipment" policy 706 attached and incorporated herein by reference as Exhibit "A" was published on the Napa Police Department internet website, at least 30 days prior to public hearing in accordance with requirements of Government Code section 7071. The Napa Police Department's Police "Military Equipment" Use Policy may be referred to in this ordinance as "City's Police Military Equipment Use Policy"; and

WHEREAS, the Napa Police Department Policy 706 "Military Equipment" meets the requirements of California Government Code section 7070, subdivision (d); and

WHEREAS, the 2023 Napa Police Department Military Equipment Report ("Annual Report") attached and incorporated herein by reference as Exhibit "B" was presented to the City Council on January 21, 2025 summarizing how the equipment was used, its purpose, any complaints received, any internal audits performed, annual cost information, updated inventory, and the intent to acquire any additional equipment; and

WHEREAS, the military equipment identified in the Napa Police Department Policy 706 “Military Equipment” is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety; and

WHEREAS, Napa Police Department Policy 706 “Military Equipment” will safeguard the public’s welfare, safety, civil rights, and civil liberties; and

WHEREAS, prior military equipment use complied with the military equipment use policy that was in effect at the time; and

WHEREAS, the Napa Police Department will evaluate funding opportunities for the acquisition of military equipment; and

WHEREAS, the Napa Police Department will seek approval from the City Council for any future acquisitions of military equipment, in accordance with department policy, city policy, and State law; and

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

SECTION 1:

- A. The City Council hereby approves the City’s Military Equipment Use Policy, attached hereto as Exhibit “A,” and labeled “Napa Police Department Policy 706” with findings for the new equipment made below as required by Government Code Section 7071(d):

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

- a. In 2024, the NPD Drone Team deployed to thirty separate events after the City Council approved the purchase of small Unmanned Aerial Systems (sUAS). These sUASs have established themselves as an effective tool in safeguarding lives and property, and provided a more efficient method of gathering evidence and documenting incident scenes. There is not another type of equipment similar to drones that can assist the Police in gathering evidence and documenting incident scenes.
- b. The two 6mm ARC semi-automatic rifles and ammunition are better suited for providing overwatch at public events and venues that require a law enforcement presence. Other caliber weapons have ballistic properties that are not optimized for these roles and pose a greater risk of over penetration or reduced ballistic performance.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

ATTACHMENT 1

- a. sUASs are a contemporary tool used by first responders to provide situational awareness, assist with decision making, and gather evidence. These devices are operated in strict compliance with local, state, and federal laws that will safeguard the public's welfare, safety, civil rights, and civil liberties.
- b. These firearms and ammunition would replace or supplement the current firearms that are deployed at public venues that may be the target of intentional acts of violence. These firearms would be used in strict compliance with department use of force policies, state and federal law that will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

- a. sUASs are used by law enforcement as an alternative to fixed and rotary-wing aircraft that cost several thousand dollars per hour to operate. These additional sUASs are more cost effective and have a similar cost to previously approved sUASs.
- b. These firearms and ammunition will replace existing firearms that were not optimized for the public venue overwatch role. These firearms and ammunition are cost effective and have a similar cost to previously approved firearms and ammunition.

(D) 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.

- a. For this reporting period, all military equipment use has complied with department policy, city ordinance and state and federal laws. It was discovered that an additional 40mm launcher was purchased last year and the purchase was not approved by City Council and corrective action will be taken to ensure future compliance.

- B. The Napa Police Chief submitted to the City Council the Annual Report pursuant to Government Code Section 7072 and the City Council hereby determines that all the equipment identified in the Annual Report complies with Government Code Section 7071(d) as required by Government Code Section 7071(e).
- C. The City Council hereby directs the Police Chief to hold a community engagement meeting within 30 days as required by Government Code Section 7072(b).

ATTACHMENT 1

SECTION 2: 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 3: 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 21st day of January 2025, and had its second reading and was adopted and passed during the public meeting of the City Council on the ____ day of ____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

ATTACHMENT 1

Approved as to Form:

Christopher Diaz
Interim City Attorney