

ORDINANCE 2024-

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, COUNTY OF MONO, STATE OF CALIFORNIA RENEWING THE TOWN'S MILITARY EQUIPMENT USE POLICY PURSUANT TO GOVERNMENT CODE SECTION 7071 (AB 481)

WHEREAS, Assembly Bill 481 enacted Government Code Sections 7070-7073, establishing certain requirements pertaining to the acquisition and use of "military equipment" by California law enforcement agencies; and

WHEREAS, Government Code Section 7070 defines "military equipment" as consisting of 15 categories of items, most of which the Mammoth Lakes Police Department does not have, has never had, and is not likely to have in the foreseeable future (such as tracked armored vehicles or armed aircraft); and

WHEREAS, the Mammoth Lakes Police Department does have an unarmed drone with camera, pepperball launcher and munitions, beanbag shotguns and rounds and rubber slugs used for non-lethal wildlife diversion, which are defined as "military equipment" under Government Code Section 7070; and

WHEREAS, Government Code Section 7071 requires the Town Council to adopt by ordinance a "military equipment use policy" in order for the Mammoth Lakes Police Department to, among other things, use its existing "military equipment", acquire new "military equipment" (including replacements for expired or worn out existing equipment), or collaborating with any other law enforcement agency (such as an agency with a mutual aid agreement with the Mammoth Lakes Police Department) that might use "military equipment" in Mammoth Lakes; and

WHEREAS, a military equipment use policy has been available on the Mammoth Lakes Police Department's website prior to the reading of this ordinance, pursuant to Government Code Section 7071(b); and

WHEREAS, the Town Council held a public hearing in connection with the adoption of this ordinance and has considered this ordinance at an open session at a regular Town Council meeting and provided for public comment in accordance with Government Code Section 54950 et seq, pursuant to Government Code Section 7071(c);

The Town Council of the Town of Mammoth Lakes Does Ordain as Follows:

Section 1. The recitals above are incorporated herein.

Section 2. Pursuant to California Government Code Section 7071(d), the Town Council finds and determines as follows, with respect to Policy 706 – Military Equipment Funding, Acquisition, and Use Policy attached hereto as Exhibit "A" and incorporated herein by reference ("the Policy"):

- (A) The military equipment listed in the table in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (B) The Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (C) When and if replacement items are purchased for the items of military equipment listed in the table in the Policy, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior use by the Mammoth Lakes Police Department of items now classified as “military equipment” by Government Code Section 7070 complied with the military equipment use policy that was in effect at the time.

Section 3. The Town Council’s previous adoption of the Policy, including the table attached thereto, is hereby renewed. The Policy, as it may be amended from time to time, shall be made available on the Mammoth Lakes Police Department’s website for as long as the Mammoth Lakes Police Department has any military equipment available for use.

Section 4. The Town Council’s previous ordinance authorizing the use of “military equipment” is hereby renewed. Pursuant to Government Code Section 7071(e), Town staff are directed to bring this ordinance to the Town Council for review “at least annually” so that the Town Council may vote on whether to renew the ordinance and determine whether each type of military equipment has complied with the standards of approval set forth herein and in Government Code Section 7071(d).

Section 5. Mammoth Lakes Police Department staff are directed to submit to the Town Council an annual military equipment report for each type of military equipment approved by the Town Council, and to make each such report available on the Mammoth Lakes Police Department website for as long as military equipment is available for use. Each report shall contain the information required by Government Code Section 7072(a). Mammoth Lakes Police Department staff are further directed to hold an annual community engagement meeting pursuant to Government Code Section 7072(b), within 30 days of submitting and releasing the annual military equipment report.

Section 6. If any provision of this ordinance or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

Section 7. The Town Clerk is hereby directed to publish this ordinance or a summary thereof in accordance with the law.

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The foregoing ordinance was introduced at a regular of the Mammoth Lakes Town Council held on the 17th day of July, 2024, and adopted at a regular meeting of the Mammoth Lakes Town Council, on the 7th day of August, 2024; _____, moved for the adoption, the motion was seconded by _____ and was carried by the following vote:

Bill Sauser, Mayor

ATTEST:

JAMIE GRAY, Town Clerk