

ORDINANCE NO. 1229

UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADOPTING AND APPROVING UKIAH POLICE DEPARTMENT POLICY 708, MILITARY EQUIPMENT USE POLICY, IN COMPLIANCE WITH CALIFORNIA ASSEMBLY BILL NO. 481

The City Council of the City of Ukiah hereby ordains as follows:

SECTION ONE. FINDINGS

1. Assembly Bill 481, approved September 30, 2021 (codified as Chapter 12.8 of the Government Code and commencing with Section 7070) requires a local law enforcement agency, which would include the Ukiah Police Department, to have a military equipment use policy approved by the City Council prior to requesting, seeking funding for, acquiring, collaborating with other jurisdictions about the deployment of, or using military equipment.
2. The Ukiah Police Department Policy 708, "Military Equipment Use Policy" (the "Policy") is attached as Exhibit A and incorporated into this Ordinance.
3. The Policy has been posted on the City's website for at least thirty (30) days starting on January 10, 2023.
4. The City Council has conducted a public hearing during a regularly scheduled City Council meeting on March 1, 2023 and considered all written and oral comments, as well as the report and presentation from staff.
5. The Ukiah Police Department Policy No. 708 "Military Equipment" meets the requirements of Government Code § 7070(d).
6. The City Council determines that:
 - a. The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - b. The proposed Policy attached as Exhibit A will safeguard the public's welfare, safety, civil rights, and civil liberties.
 - c. If purchasing the equipment identified 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. Any 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.

SECTION TWO. ADOPTION OF POLICY

The City Council of the City of Ukiah approves and adopts the Ukiah Police Department

Policy 708, "Military Equipment Use Policy", attached and incorporated as Exhibit A into this Ordinance. In doing so, the City Council directs that:

1. Staff is authorized to request, seek funding for, acquire, collaborate with other jurisdictions about the deployment of, and use military equipment consistent with this Policy.
2. The Policy shall be maintained on the Police Department's website page.
3. Annually, the Police Department shall hold a well-publicized and conveniently located community engagement meeting regarding the Police Department's Policy and use of military equipment, pursuant to Government Code § 7072 (b).
4. Annually, the City Council shall review this Ordinance, the Policy, and the annual military equipment report prepared by the Police Department pursuant to Government Code § 7072 and determine by resolution whether to continue the Ordinance and Policy or to modify such Policy or initiate the repeal of the Ordinance.
5. Annually, the City Council shall determine, based on the annual military equipment report submitted pursuant to Government Code § 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in this Ordinance.

SECTION THREE.

1. **Publication:** Within fifteen (15) days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within fifteen (15) days after its adoption.
2. **Effective Date:** The ordinance shall become effective thirty (30) days after its adoption.
3. **Severability:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Introduced by title only on March 1, 2023, by the following roll call vote:

AYES: Councilmembers Sher, Orozco, Crane, Dueñas, and Mayor Rodin

NOES:

ABSENT:

ABSTAIN:

Adopted on _____, 2023, by the following roll call vote:

AYES: Councilmembers Orozco, Sher, Crane, Duenas, and Mayor Rodin
NOES: None
ABSENT: None
ABSTAIN: None



Mari Rodin, Mayor

ATTEST:



Kristine Lawler, CMC/City Clerk

Military Equipment

708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

708.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- 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.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- 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.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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708.2 POLICY

It is the policy of the Ukiah Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

708.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Ukiah Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

708.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

[Insert attachment here]

708.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

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- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

708.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy. The Ukiah Police Department should not use military equipment belonging to any other law enforcement agency unless the military equipment is approved for use in that jurisdiction.

Military equipment use and acquisition is often a collaboration with the Mendocino County Sheriff's Office due to the Ukiah Police Department participating in the Mendocino County Multi Agency Swat Team. Refer to mendocinosherriff.org for their list of reportable military equipment. The Ukiah Police Department also contracts with the Sonoma County Sheriff's Office for their bomb squad (EOD) when required. Refer to sonomasherriff.org for their list of reportable military equipment.

708.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

708.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which

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the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Type	Simunition 5.56mm FX Marking Cartridges
Description	Training ammunition to be fired from department issued AR15 style rifles.
Quantity	2,000 rounds of 5.56 training ammunition.
Capabilities	Fires a 5.56mm training round at ranges up to 100 feet.
Expected Lifespan	5 years.
Manufacturer's Description	Simunition is the world leader in safe and realistic, interactive, combat training solutions. The 5.56mm FX is designed using the Simunition patented reduced-energy technology.
Purpose and Authorized Uses	5.56mm FX Marking Cartridges are to be used by police officers to simulate real world tactical situations. The ammunition allows officers to practice static shooting training combined with simulated shooting training without causing injury to those involved.
Fiscal Impact	Per round = \$0.73
Legal / Procedural Rules	Ukiah Police Department Policy 312 (Firearms).
Required Training	Personnel utilizing 5.56mm FX cartridges shall be trained by a POST certified range master and subject to additional annual training.
Compliance Mechanisms	Use is subject to applicable policy and by authorized personnel.

Type	DJI Matrice 300 RTK Drone with Zenmuse H20t Camera (City of Ukiah Electric Utility Department)
Description	Quadcopter drone with thermal imaging Zenmuse H20t camera, smart controller and batteries.
Quantity	1
Capabilities	Flight up to 400 feet in altitude with an unobstructed range of 4.9 miles, or within line of sight. Zenmuse camera is capable of 23 times hybrid optical zoom, and 200 times maximum zoom. Camera is equipped with 640x512 thermal sensor.
Expected Lifespan	5 years.
Manufacturer's Description	The Matrice 300 RTK is DJI's latest commercial drone platform that takes inspiration from modern aviation systems. Offering up to 55 minutes of flight time, advanced AI capabilities, 6 direction sensing and more.
Purpose and Authorized Uses	Perform inspections on transmission and distribution power poles / structures, wire connections, field equipment, mapping and fire mitigation.
Fiscal Impact	Initial cost = \$23, 867 / Annual maintenance = DBT
Legal / Procedural Rules	City of Ukiah Electric Utility Department - Use of Drones / Unmanned Aerial Systems Policy, FAA Part 107 Regulations.
Required Training	Must pass the FAA Part 107 Test to obtain license to fly the drones.
Compliance Mechanisms	Operational use under the review of the FAA licensed Pilot in Charge (PIC).

Type	DJI Mavic 3T (Ukiah Police Department).
Description	Quadcopter drone with smart controller, batteries, and Axon software.
Quantity	2
Capabilities	Flight up to 400 feet in altitude with an unobstructed range of 8 miles, or within line of sight.
Expected Lifespan	5 years.
Manufacturer's Description	The Mavic series redefines standards for small commercial drones. With a mechanical shutter, a 56X zoom camera, and an RTK module for centimeter-level precision, the Mavic 3T brings mission efficiency to new heights.
Purpose and Authorized Uses	Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective.
Fiscal Impact	\$11,000.40 per UAS (UAS, smart controller, two batteries, software).
Legal / Procedural Rules	Ukiah Police Department Policy #607 (Unmanned Aerial System Operations). FAA Part 107 Regulations.
Required Training	Must pass FAA Part 107 Test to obtain license to fly the drones.
Compliance Mechanisms	Operational use under the review of UPD UAS Program Coordinator and the Chief of Police.

Type	DJI Mavic Pro (City of Ukiah Public Works).
Description	Quadcopter drone with smart controller and batteries.
Quantity	1
Capabilities	Flight up to 400 feet in altitude with an unobstructed range of 8 miles, or within line of sight.
Expected Lifespan	5 years.
Manufacturer's Description	Wherever you go the DJI Mavic Pro is a small yet powerful drone that turns the sky into your creative canvass easily and without worry, helping you make every moment an aerial moment.
Purpose and Authorized Uses	Used to remotely gain visual / audio data, aerial intelligence of areas affected by disasters or emergencies, collection of aerial images and video for city promotion / public information, infrastructure inspection and maintenance, safely facilitating inspections of property, GIS imagery collection for monitoring environmental and urban changes, using collected imagery to extract GIS features for analysis, survey of existing topography for purposes of infrastructure design.
Fiscal Impact	Initial cost = \$900 / Annual maintenance = DBT
Legal / Procedural Rules	City of Ukiah Public Works - Use of Drones / Unmanned Aerial Systems Policy, FAA Part 107 Regulations.
Required Training	Must pass the FAA Part 107 Test to obtain license to fly the drones.
Compliance Mechanisms	Operational use under the review of the FAA licensed Pilot in Charge (PIC).

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Military Equipment Inventory

Type	Glock G17T FX/FOF Training Pistol and rounds.
Description	Glock G17T Training Pistol used to deploy training (sim) ammunition, pistol is designated as solely training by blue color of frame. Rounds = Simunition FX Blue Marking 9mm.
Quantity	10 – Glock G17T Pistols / 4,000 – Simunition FX Blue Marking 9mm rounds.
Capabilities	Fires a 9mm training round at ranges up to 25 feet.
Expected Lifespan	Glock 17T = 40,000 rounds / Simunition FX Blue Marking 9mm = 5 years.
Manufacturer's Description	The Glock Training pistols were developed for the purpose of enabling reality-based tactical operations' training. Simunition FX Blue Marking 9mm rounds are the worlds most realistic close-range combat training system.
Purpose and Authorized Uses	The Glock 17T Training Pistol and Simunition FX Blue Marking 9mm rounds are to be used by police officers to simulate real world tactical situations. The pistols and ammunition allow officers to practice static shooting training combined with simulated shooting training without causing injury to those involved.
Fiscal Impact	Per pistol = \$500 / Per round = \$0.69
Legal / Procedural Rules	Ukiah Police Department Policy 312 (Firearms).
Required Training	Personnel utilizing Glock G17T Pistols shall be trained by a POST certified range master and subject to additional annual training.
Compliance Mechanisms	Use is subject to applicable policy and by authorized personnel.