

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW  
ADDING SECTION 2.69.3, ENTITLED "MILITARY EQUIPMENT POLICY,"  
TO THE MOUNTAIN VIEW CITY CODE IN COMPLIANCE WITH ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 ("AB 481") (creating Government Code, Section 7070, *et seq.*), relating to the use of military equipment by California law enforcement agencies; and

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

WHEREAS, the Mountain View Police Department is in possession of certain items of equipment that qualify as "military equipment" under AB 481; and

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process applicable to the Mountain View Police Department's use of such equipment; and

WHEREAS, the Policy and supporting information must be approved by the governing body by ordinance and reviewed annually; and

WHEREAS, the City Council of the City of Mountain View, having received the information required under AB 481 regarding the Mountain View Police Department's use of military equipment as defined in said law, deems it to be in the best interest of the City to approve the Military Equipment Policy as set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 2, Article IV, Division 1, Section 2.69.3, of the Mountain View City Code is hereby added to read as follows:

**“SEC. 2.69.3. - Military equipment policy.**

**a. The city council has made the following determinations:**

**1. The military equipment inventoried and presented to the city council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;**

**2. The proposed military equipment use policy (“Policy”) will safeguard the public’s welfare, safety, civil rights and civil liberties;**

**3. The 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 applicable equipment use policy (which included equipment now defined as military equipment) 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 Policy was considered by the city council as an agenda item in an open session of a regular meeting and noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.**

**c. The Policy shall be made publicly available on the Mountain View police department’s website for as long as the military equipment is available for use.**

**d. The Mountain View police department shall submit an annual military equipment report to the city council containing the information required in California Government Code, Section 7072, and the city council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in Paragraphs (a)(1)-(4) above.**

**e. The city council shall review this ordinance and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with California Government Code Section 7071(e)(2).**

**f. The city council approves the use of the Policy and finds that it satisfies the requirements of California Government Code Section 7070(d).”**

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).

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