



**CITY OF SALINAS  
COUNCIL STAFF REPORT**

---

**DATE:** AUGUST 22, 2023  
**DEPARTMENT:** SALINAS POLICE DEPARTMENT  
**FROM:** ROBERTO FILICE, CHIEF OF POLICE  
**BY:** TONYA ERICKSON, POLICE SERVICES ADMINISTRATOR  
**TITLE:** 2022 AB 481 ANNUAL REPORT, RENEWAL OF ORDINANCE NO. 2657, AND PURCHASE OF AB 481 EQUIPMENT

RECOMMENDED MOTION:

A motion to approve a Resolution to renew Ordinance No. 2657 pertaining to military equipment funding, acquisition, and use, and authorize the direct purchase of AB 481 equipment for a total cost not to exceed \$97,043.01.

RECOMMENDATION:

Staff recommends that City Council renew Ordinance No. 2657 pertaining to military equipment funding, acquisition, and use, as required by Assembly Bill 481. Staff further recommends that City Council authorize the direct purchase of AB 481 equipment for use by our Salinas Police Aerial Support (SPAS) and Special Weapons and Tactics (SWAT) Teams. Equipment will be purchased from UVT and LC Action for a total cost not to exceed \$97,043.01.

EXECUTIVE SUMMARY:

Assembly Bill 481 (AB 481 or the Bill), codified in Government Code sections 7070 through 7075 requires a law enforcement agency to obtain approval from the applicable governing body, by adopting a military equipment use policy by ordinance, prior to taking certain actions related to the funding, acquisition, or use of “military equipment” as defined by the Bill. City Council adopted a military equipment use policy by Ordinance on August 23, 2022. As required by AB 481, SPD is now presenting the 2022 AB 481 Annual Report and requesting the renewal of Ordinance No. 2657 to allow SPD to continue utilizing this necessary equipment.

The department is also requesting the purchase of new AB 481 equipment. The department’s Salinas Police Aerial Support (SPAS) Team has the need for unmanned aerial vehicles (drones) with associated equipment to replace equipment damaged during an incident on 5/31/2023. The department’s Special Weapons and Tactics (SWAT) Team have a need for distraction devices, chemical agent/smoke canisters, and a 40mm launcher for use during operations and training. Equipment will be purchased from UVT and LC Action for a total cost not to exceed \$97,043.01.

## BACKGROUND:

On September 30, 2021, Governor Newsom signed AB 481 – Military Equipment Funding, Acquisition, and Use into law. The Bill designated fifteen categories of police equipment items as military equipment. AB 481 required SPD to obtain approval of the City Council, by an ordinance adopting a military equipment policy, prior to any of the following activities:

1. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
2. 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.
3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the city limits.
5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council pursuant to this chapter.
6. 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.
7. Acquiring military equipment through any means not identified above.

From January 1, 2022 forward, all new acquisitions of military equipment, as designated by AB 481, requires approval by City Council.

Information about AB 481 – Military Equipment Funding, Acquisition, and Use is available on the Police Department’s webpage and can be accessed at <https://salinaspd.com/assembly-bill-481/>. The webpage contains the AB 481 defined list of police equipment deemed military equipment by numbered category and identifies each category of equipment SPD possesses. The webpage contains several links to additional information, including the full text of AB 481, the SPD Military Equipment policy, and the military equipment inventory currently in SPD’s possession. The webpage also contains a link to a webform where community members may ask questions, make comments, or voice concerns. Answers to those questions, and responses to the comments or concerns, are found by accessing another link. For those wishing to make a formal complaint, a link directs them to the complaint process webpage. SPD has and will continue to update this webpage as equipment inventory changes, and as usage and cost data is reported via the AB 481 Annual Reports. The webpage will remain accessible so long as military equipment is available for use.

On August 23, 2022, City Council adopted Ordinance No. 2657 which added Article III to Chapter 27 of the Salinas Municipal Code pertaining to the military equipment use policy in compliance with Assembly Bill 481. Before adopting the Ordinance, the Council determined several factors:

- 1) The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and community member safety.
- 2) The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.

- 3) If purchasing additional equipment, it is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and community member safety.
- 4) Use of Military Equipment complied with the Policy that was in effect at the time of the use, or if prior uses did not comply with the Policy, corrective action has been taken to remedy non-conformance and ensure future compliance.

After adoption of the Ordinance, SPD is required to take seek renewal of the Ordinance annually thereafter to continue using military equipment. SPD is required to submit to the governing body an annual military equipment report within one year of approval, and annually thereafter for as long as the military equipment is available for use. SPD is also required to hold a community engagement meeting where the public may discuss and ask questions about the AB 481 Annual Report.

As required by AB 481, codified in Government Code § 7072(a), SPD is submitting the 2022 AB 481 Annual Report to City Council. The 2022 AB 481 Annual Report is posted on the SPD website and attached to this report. The report includes a summary of how the military equipment was used and the purpose of its use, a summary of complaints or concerns received concerning the military equipment, information regarding violations of the military equipment use policy, the total annual cost for each type of military equipment, and the quantity possessed for each type of military equipment. For the calendar year 2022 period, there were no reported violations of the military equipment use policy.

As required by AB 481, codified in Government Code § 7072(b), after releasing the annual military equipment report SPD is required to hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and SPD's funding, acquisition, or use of military equipment. The AB 481 Community Meeting was held on Thursday, August 10, 2023 from 6:00-7:30pm at the SPD Community Room. The City's Community Relations Manager coordinated Community Meeting publicity surrounding a Save the Date announcement, as well the release of the 2022 AB 481 Annual Report. Press releases were issued, the information and graphics were posted via the City and SPD social media accounts (Facebook, Instagram, and Twitter), information was posted using the City's NextDoor account, and information was distributed via GovDelivery. The Community Meeting Save the Date posts on Facebook and Instagram via the City and SPD accounts received 4,960 impressions, 4,581 reaches, and 79 post engagements. The Twitter Community Meeting Save the Date post received 880 views. The Annual Report posts on Facebook and Instagram via the City and SPD accounts received 2,783 impressions, 2,646 reaches, and 104 post engagements. The Twitter Annual Report post received 556 views, and the NextDoor post received 597 impressions. Within the 48 hours of release, the 2022 AB 481 Annual Report received just under 300 views. A total of seven community members attended the Community Meeting on August 10<sup>th</sup> during which SPD staff remained available for the full 90 minutes to discuss the report and answer any questions related to AB 481.

As required by AB 481, codified in Government Code § 7071(e), City Council shall review any Ordinance at least annually and, subject to paragraph (2), vote on whether to renew the ordinance. The referenced paragraph (2) states the governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military

equipment identified in the report has complied with the standards for approval set forth in subdivision (d). The referenced subdivision (d) references the requirement that the use of military equipment complied with the Policy that was in effect at the time of the use, or if prior uses did not comply with the Policy, corrective action has been taken to remedy non-conformance and ensure future compliance.

SPD contends the Ordinance, policy, and military equipment it possesses continues to meet all requirements set forth in AB 481 and has documented via the 2022 AB 481 Annual Report that there were no reported violations of the military equipment use policy. Given the information above, the department is requesting that City Council renew Ordinance No. 2657 ordinance as required by AB 481. The renewal of this Ordinance will allow SPD to continue using the vital equipment specified therein. Items deemed to be military equipment by AB 481 are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been utilized by SPD and other law enforcement agencies to enhance community and officer safety. Loss of these items would jeopardize the welfare of both our community and the peace officers within SPD.

The department is also requesting the approval to purchase AB 481 equipment to replace, replenish, and expand inventory as the result of an incident on May 31, 2023. The all-day incident involved a barricaded subject and resulted in the usage and destruction of AB 481 equipment and prompted an assessment of department inventory needs.

A total of five (5) unmanned aerial vehicles (drones) were destroyed of five (5) unmanned aerial vehicles (drones) and their associated equipment were destroyed during the incident on May 31<sup>st</sup>. The City successfully submitted an insurance claim totaling \$85,100, and these funds that will be used for to purchase the following drones and equipment, as identified on the attached quotes: One (1) DJI Matrice 350 RTK with camera and spotlight, three (3) DJI Matrice 30T with speaker and spotlight, and two (2) DJI Mini 3 Combo with propeller guards. The price of the DJI Matrice 30T recently dropped by more than \$4,000, so we are purchasing one more drone than was destroyed to increase our SPAS inventory. We have secured three quotes from UVT totaling \$59,392.46. Remaining insurance funds will be used to purchase future drones and/or maintenance items such as batteries.

During the incident on May 31, 2023, the SWAT Team utilized significant quantities of distraction devices and chemical agent/smoke canisters. This incident illustrated how quickly inventory can change, and given these items can have extended delivery timelines, we are replenishing inventory to ensure we have sufficient supplies for future incidents. Inventory is also utilized by new and existing SWAT Team members during ongoing training necessary to maintain specialized skills with this equipment. The SWAT Team also utilized less lethal 40mm launchers, and determined that we have a need for one additional launcher to allow team members to be stationed at alternate locations during an incident. For this reason, we are requesting the purchase of one additional 40mm launcher. We have secured a quote from LC Action totaling \$37,650.55, for distraction devices and chemical agent/smoke canisters, as well as the additional 40mm launcher. Existing department appropriated General Fund will be utilized for these purchases.

There are no local vendors that sell this specialized equipment and supplies, and we have selected existing vendors with long and positive history serving law enforcement. The attached quotes total \$97,043.01. Given the absence of local vendors, as well as the information provided, the City Council has the authority to approve this direct purchase under Salinas Municipal code Section 12-

27 and without application of the local purchasing preference pursuant to Salinas Municipal Code Section 12-28.080.

POLICE COMMUNITY ADVISORY COMMITTEE:

The Chief Roberto Filice and Sergeant James Godwin initially presented AB 481 information to the Police Community Advisory Committee (PCAC) on March 30, 2022, and provided an update on July 27, 2022. At the July 26, 2023 meeting, PCAC members were told of the upcoming Community Meeting, were notified upon release of the 2022 AB 481 Annual Report, and two PCAC members attended the Community Meeting on August 10<sup>th</sup>. The department will also provide an update to PCAC at the next scheduled meeting on August 23, 2023.

CEQA CONSIDERATION:

**Not a Project.** The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

STRATEGIC PLAN INITIATIVE:

Renewing the proposed Ordinance and authorizing the purchase of equipment will support the City Council's Strategic Plan Goal of Public Safety.

DEPARTMENTAL COORDINATION:

The Police Department and Legal Department coordinated on the Ordinance and legal compliance with Assembly Bill 481, and the department will coordinate with the Finance Department during the purchasing process.

FISCAL AND SUSTAINABILITY IMPACT:

Approving the renewal of Ordinance No. 2657 will have no direct fiscal impact on the City's General Fund, Measure E or Measure G funds. Oversight, including administrative data collection and reporting, is completed by existing Salinas Police Department staff. No new funds are requested to support the purchases of the AB 481 equipment. Funds for the drones and associated equipment are available in the Police Vehicle Replacement account, 5800.40.9579-66.5540, and the remaining equipment will be funded by the Patrol Division budget, accounts 1000.40.4220.

ATTACHMENTS:

Resolution  
AB 481 Equipment Quotes  
PowerPoint Presentation - AB 481  
2022 AB 481 Annual Report  
Ordinance No. 2657  
Assembly Bill 481