

**DRAFT**

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE xxxx**

**ORDINANCE ADOPTING SAN DIEGO HARBOR  
POLICE DEPARTMENT MILITARY EQUIPMENT  
USE POLICY AS REQUIRED BY ASSEMBLY BILL  
481**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

**WHEREAS**, California Assembly Bill (AB) 481 requires law enforcement agencies, such as San Diego Harbor Police Department (Harbor Police), to obtain approval of the applicable governing body (Board of Port Commissioners), by adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, which are certain types of equipment specifically defined by the bill.

**WHEREAS**, San Diego Harbor Police is a unique law enforcement agency with several high value points of interest that justify the need for certain pieces of such equipment; and

**WHEREAS**, On March 10, 2020, Harbor Police posted the proposed military equipment use policy on its transparency website, [www.portofsandiego.org/public-safety/transparency-disclosures](http://www.portofsandiego.org/public-safety/transparency-disclosures), more than the 30 days in advance of this upcoming Board Meeting in compliance with AB 481; and

**WHEREAS**, the proposed Ordinance would adopt and approve San Diego Harbor Police Department Policy 712, Military Equipment, which establishes guidelines for the approval, acquisition, use and reporting requirements of military equipment that is crucial for Harbor Police to maintain public safety, all in accordance with AB 481; and

**WHEREAS**, funds for work associated with the preparation of San Diego Harbor Police Department Policy 712, Military Equipment, and the annual military equipment inventory are identified in the Harbor Police Department budgets for FY 2022. Funds are in equipment outlay and various non-personnel budget accounts; and

**WHEREAS**, the equipment described in the proposed policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety, the policy will safeguard the public's welfare, safety, civil rights, and civil liberties, the equipment is reasonably cost effective compared to

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available alternatives that can achieve the same objective of officer and civilian safety, and, the equipment Harbor Police currently possesses has been used in accordance with the proposed policy.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. The Board finds that the equipment described in the proposed policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety, the policy will safeguard the public's welfare, safety, civil rights, and civil liberties, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety, and, the equipment Harbor Police currently possesses has been used in accordance with the proposed policy.

Section 2. An Ordinance approving and adopting San Diego Harbor Police Department Policy 712 Military Equipment, a copy of which is posted on its transparency website, [www.portofsandiego.org/public-safety/transparency-disclosures](http://www.portofsandiego.org/public-safety/transparency-disclosures), is hereby granted.

Section 3. This Ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12<sup>th</sup> day of April, 2022, by the following vote: