

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_

ADOPTING A MILITARY EQUIPMENT USE POLICY FOR  
UNCREWED AERIAL SYSTEM FOR THE ALAMEDA  
POLICE DEPARTMENT

WHEREAS, Assembly Bill No 481 of 2021 requires a law enforcement agency, including the Alameda Police Department (“APD”), to obtain approval from the applicable governing body, in this case the City Council, by adoption of a military equipment use policy by ordinance at a regular meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment; and;

WHEREAS, AB 481 requires similar approval by the City Council for any new military equipment acquired by APD when the use of such equipment was not previously approved by the City Council; and

WHEREAS, through Ordinance No. 3325, the City Council previously approved APD’s military equipment use policy, which is available at <https://www.alamedaca.gov/files/assets/public/v/1/departments/alameda/police/a-b-481-combined-policy-and-inventory-7.6.22.pdf>; and

WHEREAS, APD proposes to use Uncrewed Aerial System (“UAS”) for law enforcement purposes, and UAS is defined as “military equipment” by AB 481; and

WHEREAS, APD has drafted a policy establishing guidelines and protocols for the deployment and use of UAS (“Proposed UAS Policy”), which has been available publicly since April 15, 2024 (i.e., at least 30 days as required by AB 481), at <https://www.alamedaca.gov/files/assets/public/v/1/departments/alameda/police/apd-draft-uas-policy-3.pdf>; and

WHEREAS, APD’s draft policy reflects best practices and recommendations regarding UAS use from nonprofit organizations Secure Justice and the American Civil Liberties Union; and

WHEREAS, APD held the community meeting regarding the Proposed UAS Policy as required by AB 481 on April 30, 2024.

NOW, THEREFORE, the City Council of the City of Alameda does hereby ordain as follows:

Section 1. Findings.

The City Council finds the following:

(A) The military equipment listed in the Proposed UAS Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The Proposed UAS Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

#### Section 2. Adoption.

The Proposed UAS Policy is hereby approved and adopted.

APD is hereby directed to include all requisite information regarding its usage of UAS in its annual military equipment report, as required by Government Code Section 7072 and Ordinance No. 3325 and any successor legislation.

#### Section 3. Implied Repeal.

Any provision of the Alameda Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this Ordinance.

#### Section 4. CEQA Determination.

The City Council finds and determines that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA"), pursuant to the following, each a separate and independent basis: 15321 (law enforcement activities by peace officers), 15061(b)(3) (no significant environmental impact).

#### Section 5. Severability.

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph, and sentence, notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph, or sentence.

#### Section 6. Authority

This Ordinance is enacted pursuant to the City of Alameda's constitutionally authorized charter city police powers, Section 3-12 of the Charter of the City of

Alameda, Article XI of the State Constitution, the California Emergency Services Act, and Government Code Section 36937.

Section 7. Effective Date.

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

\_\_\_\_\_  
Presiding Officer of the City Council

Attest:

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_ 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

\_\_\_\_\_  
Yibin Shen, City Attorney  
City of Alameda