



REPORT TO CITY COUNCIL

Approved by:

Giachino Chiaramonte
Giachino Chiaramonte, Chief of Police

Arnoldo Rodriguez
Arnoldo Rodriguez, City Manager

Council Meeting of: May 1, 2024

Agenda Number: B-6

SUBJECT:

Military Equipment Purchase Per California Government Code Sections 7070 - 7075

RECOMMENDATION:

Adopt Resolutions:

1. Authorizing the purchase of three unmanned aircraft systems (drones) from Advexure, LLC
2. Appropriating \$5,285 of Federal Asset Forfeiture monies in the City's Fiscal Year 2023/24 Adopted Budget

SUMMARY:

The Police Department (Department) established a drone program in 2021. To outfit the program, the Department purchased four unmanned aircraft systems (UAS's, commonly referred to as drones). The technological advancements in drones have significantly evolved since the City purchased its drones several years ago. Given the importance of equipping our Officers with modern equipment, staff recommends purchasing three new drones.

DISCUSSION:

On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (AB 481), now referred to as California Government Code Sections 7070-7075 (Government Code). AB 481 was introduced to increase transparency and accountability for state and local law enforcement agencies' funding, acquisition, and use of military equipment. The Government Code includes a broad definition of what constitutes military equipment, including items such as unmanned aircraft systems (UAS's, commonly referred to as drones) that are regularly used in everyday society by members of the public and have been effectively developed for many years by law enforcement agencies to respond to emerging threats, civil unrest, and mass casualty events.

In compliance with the Government Code, the Department drafted a military equipment policy and accompanying military equipment report in 2022. The policy and report were posted on the City's website for public viewing. The City Council ultimately approved the policy via Ordinance 994 at its June 15, 2022, Council meeting.

Although it is preferable to identify equipment needs during the City's annual budget process, occasional situations arise during the fiscal year where unforeseen needs must be addressed. In such cases, it becomes necessary to consider procurement outside of the budget cycle to ensure the continued effectiveness and safety of our operations. Today, the Department has four drones that provide essential information to Officers to facilitate crime scene analysis, suspect location, disaster response, crowd monitoring, and search and rescue. Since the initial purchase of drones several years ago, technological advancements have significantly enhanced their capabilities. Notable features now include improved:

- Flight stability
- Longer battery life
- Thermal imaging
- Higher resolution cameras
- Obstacle avoidance systems, and
- Enhanced data processing capabilities for more efficient and accurate operations

Per the Government Code, drone inventory and deployments are required reporting components of an agency's annual military equipment use report. This purchase will be included in the Department's 2024 annual report.

It is noted that the four existing drones will be repurposed for training exercises. This will allow newly assigned Officers to hone their skills prior to undertaking in-field deployments. By leveraging existing resources for training purposes, the City ensures efficient use of resources while preparing personnel for effective drone operations.

FINANCIAL IMPACT:

The total cost for three drones is \$15,165.63. The recommended action was not included in the City's Fiscal Year 2023/24 Adopted Budget. However, with each budget cycle, the City appropriates funds to the General Fund and Measure K Fund for expenses related to investigations. The Department has identified \$2,488.36 from the Police Department's General Fund investigations account and \$7,392.27 from Measure K investigations account to fund a portion of the purchase. Both of these accounts have unspent funds.

In addition, the United States Department of Justice (DOJ) notified the Department of its opportunity to utilize \$5,285 of Federal Asset Forfeiture monies. These monies are distributed to law enforcement agencies for their involvement in the confiscation of criminally obtained assets. For example, a vehicle seized in a criminal case may be sold at an auction. The funds received from the sale of the vehicle are then proportionally dispersed to the involved law enforcement agencies. Federal Asset Forfeiture funds can be spent on specific police activities such as

equipment, training, and education. These funds will not be received annually as the receipt is on a circumstantial basis. These identified monies represent a one-time opportunity for the Department to utilize. Staff recommends appropriating \$5,285 of Federal Asset Forfeiture funds into the City's Fiscal Year 2023/24 Amended Budget to be used in conjunction with General Fund and Measure K monies in covering the cost of the drone purchase. Table 1 summarizes the costs associated with the purchase.

Table 1: Breakdown of Drone Purchase		
<i>Category of Expenditure</i>	<i>Unit Price</i>	<i>Total Cost</i>
DJI Mavic 3 Thermal (x2)	\$5,498	\$10,996
DJI Avata Pro (x1)	\$1,388	\$1,318
DJI Mavic 3 Battery Kit (x2)	\$659	\$1,388
DJI Avata Fly More Kit (x2)	\$279	\$558
DJI Avata Tactical Light Kit (x1)	\$119	\$119
DJI Avata Storage Case (x1)	\$249	\$249
DJI Avata 2 Year Support (x1)	\$129	\$129
Sourcewell Contract Discount		-\$737.85
Sales Tax		\$1,146.48
Total Cost		\$15,165.63

Table 2 outlines the proposed funding allocation for the acquisition of the three new drones.

Table 2: Source of Funds	
<i>Source</i>	<i>\$</i>
General Fund; Investigations account	\$2,488.36
Measure K; Investigations account	\$7,392.27
DOJ Federal Asset Forfeiture	\$5,285
Total	\$15,165.63

ALTERNATIVES:

The Council may deny the purchase of additional drones. If the Council decides to deny the purchase of additional drones, they may identify an alternative purchase contingent on the Council's desire to utilize the available funds.

ATTACHMENTS:

1. Resolution – Authorizing the purchase of three drones
2. Resolution – Appropriating Federal funds
 - a. Exhibit A: Budget Amendment

RESOLUTION NO. 24-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE THREE
UNMANNED AIRCRAFT PER CALIFORNIA GOVERNMENT CODE SECTIONS
7070-7075**

WHEREAS, California Government Code Sections 7070-7075 (Government Code) establish guidelines for the funding, acquisition, and use of specified military equipment; and

WHEREAS, the City Council (Council) approved Ordinance 994 C.S. on June 15, 2022, which adopted procedures to meet the requirements outlined in the Government Code; and

WHEREAS, Ordinance 994 C.S. permitted the Madera Police Department (Department) to adopt a Military Equipment Use Policy, which requires the Department to obtain Council approval for military equipment purchases; and

WHEREAS, staff has identified the need to improve its operational support and enhance situational awareness during high-risk police incidents by purchasing unmanned aircraft systems of greater capabilities.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, determines, and orders as follows:

1. The above recitals are true and correct.
2. The Council authorizes the purchase of three (3) unmanned aircraft systems from Advexure, LLC in the amount of \$15,165.63.
3. This resolution is effective immediately upon adoption.

RESOLUTION NO. 24- ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, AUTHORIZING AND APPROVING AMENDMENTS TO THE
CITY OF MADERA FISCAL YEAR 2023/2024 BUDGET**

WHEREAS, the City has \$5,285 of unspent Federal Asset Forfeiture funds; and

WHEREAS, the amendments to the City of Madera Fiscal Year 2023/2024 Budget, listed in Exhibit A, attached hereto, are necessary to account for the allocation of Federal Asset Forfeiture funds and related expenditures.

NOW THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds and order as follows:

1. The above recitals are true and correct.
2. The appropriations for the items listed in Exhibit A, attached hereto, are approved.
3. The City Clerk is authorized and directed to forward a copy of the resolution to the Director of Financial Services, who is authorized to take such action as necessary to implement the terms of this resolution.
4. The resolution is effective immediately upon adoption.

EXHIBIT A

CITY OF MADERA FISCAL YEAR 2023/24 BUDGET APPROPRIATION
FOR FEDERAL ASSEST FORFEITURE FUNDS

FUND	ORG CODE	OBJECT CODE	DESCRIPTION	(+)	(-)
<u>FEDERAL ASSET FORFEITURE</u>					
7610	76102668	4900	Budgetary Carryover		5,285
7610	76102668	8200	Transfer Out	5,285	
<u>GENERAL FUND</u>					
1020	10202000	4355	Transfer In		5,285
1020	10202000	7000	Vehicles & Equipment	5,285	
TOTALS				10,570	10,570