



MOTION SHEET

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Ben Luedtke
Policy & Budget Analyst

DATE: October 6, 2020 **UPDATED 4:59**

RE: Ordinance Restricting Military Surplus Equipment

MOTION 1 – ADOPT WITH CHANGES

I move that the Council adopt an ordinance enacting chapter 2.10.190 restricting military surplus equipment in the Police Department with the changes shown on the motion sheet to lines 40-46 to clarify that if the Council identifies a financial or legislative policy reason to reject the donation of military surplus property, then the donation can be rejected.

(Council Members do not need to read the below)

The revisions are as follows shown in red:

(a) At the conclusion of the public hearing, and prior to the police department's acceptance of any donation of military surplus equipment, the Council may adopt a resolution either (i) identifying the **policy reasons for** the City's acceptance of the military surplus equipment and **authorizing** the acceptance, or (ii) indicating **either that the acceptance of the donation will create a financial liability for the City or** that the Council has not identified a **policy reason** for the City's acceptance of the military surplus equipment, and **rejecting the donation of the** military surplus equipment.

MOTION 2 – NOT ADOPT

I move that the Council proceed to the next agenda item.



SALT LAKE CITY ORDINANCE
No. ____ of 2020

(An Ordinance Enacting Chapter 2.10.190 Restricting the Police Department's Receipt or Acquisition of Certain Military Surplus Property)

WHEREAS, Salt Lake City Corporation is prioritizing policy and ordinance reforms so that the City will be as progressive and safe in its policing of all people within its jurisdiction as possible; and

WHEREAS, the City Council believes that prohibiting the receipt or acquisition of surplus military equipment is one of the first steps necessary to create a safer city for all people in Salt Lake City and to ensure that the Salt Lake City Police Department is a trusted partner to all people.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 2.10.190 of the Salt Lake City Code shall be, and hereby is, enacted to read as follows.

(1) The police department may not use City funds to receive or acquire the following property from any military equipment surplus program, whether state, federal, municipal, or private:

- (a) drones that are armored, weaponized, or both;
- (b) aircraft that are combat configured or combat coded;
- (c) grenades or similar explosives and grenade launchers;
- (d) military grade weapons, including silencers; or
- (e) militarized armored vehicles.

(2) If the police department desires to purchase or acquire property from a military equipment surplus program or to seek a grant that will be matched by the federal

government to purchase property from the military equipment surplus program, the police department must seek a budget amendment from the City Council and such budget amendment will, in writing, explain the need for the surplus military property and explain the specific proposed uses for such property.

(3) If the police department desires to accept, as a donation, property from a military equipment surplus program, the police department must notify the City's director of finance, the Mayor's Office, and the City Council, in writing, of the police department's intent to receive the donation and explain, in writing, the need for the surplus military property and explain the specific proposed uses for such property.

(3) The City Council will hold at least one public hearing on all requests from the police department to acquire, accept, purchase, or receive property from a military equipment surplus program.

(a) At the conclusion of the public hearing, and prior to the police department's acceptance of any donation of military surplus equipment, the Council may adopt a resolution either (i) identifying the public purpose for the City's acceptance of the military surplus equipment and recommending the acceptance, or (ii) indicating that the Council has not identified a public purpose for the City's acceptance of the military surplus equipment, and recommending that the City not accept the military surplus equipment.

(b) If the police department accepts the donation of military surplus equipment after the Council recommends against it, the police department must, identify the public purpose and specific use for the equipment in any donation agreement with the donor.

(4) By the end of each fiscal year, the police department will make an initial written

report to City Council of its current inventory of any of the items specified above, and an annual report thereafter. The initial and annual report shall, in writing, explain the need for the military surplus property, the specific uses of such property, and whether any City funds are or will be used to maintain such property.

SECTION 4. That this ordinance shall become effective immediately upon publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____ 2020.

Chris Wharton, Council Chair

ATTEST:

Cindy Lou Trishman
City Recorder

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

Mayor Erin Mendenhall

CITY RECORDER

(SEAL)

Bill No. _____ of 2020.

Published: _____

APPROVED AS TO FORM
Salt Lake City Attorney's Office


Katherine Lewis (Sep 2, 2020 13:35 MDT)

Katherine Lewis, City Attorney