

**DRAFT****SAN DIEGO UNIFIED PORT DISTRICT****ORDINANCE xxxx****ORDINANCE ADOPTING SAN DIEGO HARBOR POLICE  
DEPARTMENT MILITARY EQUIPMENT USE POLICY, NO.  
712, AS REQUIRED BY CALIFORNIA GOVERNMENT  
CODE SECTION 7071**

**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 Government Code sections 7070 through 7075, by way of an amendment via Assembly Bill 481, requires law enforcement agencies, such as San Diego Harbor Police Department (Harbor Police), to annually obtain approval of the applicable governing body (Board of Port Commissioners (BPC)), 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; and

**WHEREAS**, 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**, the proposed Ordinance would readopt and reapprove 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 Government Code section 7071; and

**WHEREAS**, the proposed policy, and other attachments in this agenda item (on file with the Office of the District Clerk), describe the military equipment Harbor Police currently possess and intends to obtain, explains the allowable uses and need for such equipment, discusses the costs of such equipment, and processes to monitor the use of such equipment and any complaints related to such equipment; 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, that the policy will safeguard the public's welfare, safety, civil rights, and civil liberties, and 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; and

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**WHEREAS**, staff recommends the BPC, based on its review, re-adopt the Military Equipment Use Policy; and

**WHEREAS**, if approved, in accordance with AB 481 and the Government Code, Harbor Police will hold a community engagement meeting, to be scheduled after re-approval of the policy by the BPC, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

**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. The San Diego Harbor Police Department Policy 712 Military Equipment is hereby re-approved, 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).

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 15<sup>th</sup> day of April 2025, by the following vote: