

CITY COUNCIL WRITTEN CORRESPONDENCE

DATES: 3/3/2022-3/17/2022

From: thirdeye heinzight.com <thirdeye@heinzight.com>

Sent: Thursday, March 3, 2022 1:54 PM

To: Padilla, Ingrid <ipadilla@ci.brisbane.ca.us>

Cc: Mackin, Coleen <cmackin@ci.brisbane.ca.us>; Lentz, Cliff <cliffrentz@ci.brisbane.ca.us>; Cunningham, Karen <kcunningham@ci.brisbane.ca.us>; Davis, Madison <madisondavis@ci.brisbane.ca.us>; O'Connell, Terry <terryoconnell@ci.brisbane.ca.us>

Subject: City Council Meeting, 3 March 2022

3 MAR 22

Ingrid Padilla

Brisbane City Clerk

Re: City Council Meeting for March 3, 2022.

I ask that you remove item "E" from the consent calendar and place it on an agenda for future consideration, with proper procedures. The item related to Adoption of Military Equipment Use, if not removed the City violates the law, Assembly Bill 481, SECTION 1, Items (a) through (e). Item (c) specifically reads: "(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input."

Unfortunately, the Police Department's website is not a designated place to post public notices about City Council matters, nor to receive comments for Council matters. The designated repositories in this town are the Library, City Hall, and the Ridge. Remember, not everyone has access to a computer or the internet. How many residents do you think hang out on the Police website for information about Council matters? I attempted include in this email Commander Mario Garcia, the Military Equipment Use Officer, but there is no email address nor did I see a place for comments on the Police Department website. I could not submit a comment. Please forward this letter to him.

This is not a no-brainer, there needs to be a community discussion before any approvals are made. Is there a Use Of Force policy? We need to see it. Cities are required to pay for the cost of maintenance. How much will that cost? The people need to be better informed. We need to have a community discussion.

Respectfully,

Tom Heinz

41 Humboldt Rd.

From: Earthhelp <earthhelp@earthlink.net>
Sent: Monday, March 14, 2022 10:13 AM
To: Padilla, Ingrid <ipadilla@ci.brisbane.ca.us>
Subject: Item "B" on the Consent Calendar 3/17

Dear Ingrid,

Please ask the council to take this item off the agenda. Many citizens request that you answer some questions and make changes. A compilation is attached, please make it available to the council and public.

Thanking you in advance,
Dana

Dear Brisbane Council,

We truly ask that you re-read Brisbane's Military Weapons Use Policy 709 to better serve the community.

Please correct any open, vague language in this policy. The way it's written, it leaves decision making open to many, many others.

Where's the citizen's right to due process? Is there a list of considerations you will make before your choice of use of force? Will there be a determination whether children may be present, what the native language of the suspect(s) is, if there are any mental health issues, or if indeed the alleged activity is taking place?

Is ANYTHING Prohibited? At a bare minimum can Long Range Acoustic Hailing, Microwave Ear-busting Devices be prohibited in Brisbane? Please note that we live in a bowl. When is an explosive percussive device appropriate? It will harm a greater population, than the intended target(s). You need to look at each device and determine whether a militarygrade weapon is necessary, whether there are alternatives.

Please require that legal postings also be at the City's known Public Notice repositories: the Library, the City Hall, the Ridge, and the City's Website.

What is the chain of command here? How do we know if new assignees and collaborators have any knowledge about Brisbane? Are they aware of areas to not be breached, such as near the tank farm, near the PG&E power lines, Ice House Hill, and our marshes and Lagoon? Will we ever be informed if our tunnels or open space are requested for practice or storage? Do we have a policy for that? Please inform us how we can have any say in the myriad of possible choices to be made outside of the public's purview.

QUESTIONS THAT ARE NOT ADDRESSED

Who stores and maintains the equipment of the future?

Who pays for or designates the equipment's storage and maintenance?

What are the costs of training?

What environmental impacts will this have? Military equipment is not designed with environmental sensitivities.

Are there policies for shared equipment maneuvers prohibited near our sensitive habitats such as Ice House Hill, around our Lagoon, our Public Open Spaces?

Will we get advance notice of maneuvers for residents or pets that are disturbed by current target practice?

Where is citizen oversight if all that is required, is to publish an annual report and collaborate with others who may have different equipment?

What are the circumstances where you wouldn't use a legal warrant?

Where are the statistics that this is even necessary, that there are "no reasonable alternatives that can achieve the same objectives"?

What alternatives are considered before using force?

Who assumes liability? Do we have sufficient insurance for mistakes?

We truly ask that you look at the bigger picture. Please hear and respond to the Public's concerns.

Thank you,

Dana Dillworth

and many others wishing to remain anonymous.

Weak language worthy of further review

709.1.1 Definitions

Last entry under Military Equipment is "any other equipment as determined by a governing body or a state agency to require additional oversight."

Under 709.3 Military Equipment Coordinator

(d) "Collaborating with any allied agency that may use military equipment within the jurisdiction of the Brisbane Police Department."

(e) and (f) "department website" refers to the Brisbane Police Department's website. This doesn't encompass the whole community. It is available only to people who have internet service.

Inventory:

“Battering rams, slugs, and breaching apparatus that are explosive in nature.”... “For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.” Generally?

709.5 Approval

30-days “available on the department website”- should state the Brisbane Police Department’s website and others if changed.

(c), (d), (e) Acquiring and lending military equipment.... by others, or other uses “in a manner, or by a person not previously approved by the governing body.”

(f) “Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.” ANY other person or entity?

(g) “Acquiring military equipment through any means not provided above.”

709.6 Use in Exigent Circumstances - no holds barred.

709.9 Community Engagement

“Within 30 days of a change or annual report”. After the fact?

From: thirdeye heinzight.com <thirdeye@heinzight.com>

Sent: Wednesday, March 16, 2022 12:12 PM

To: Padilla, Ingrid <ipadilla@ci.brisbane.ca.us>

Cc: Mackin, Coleen <cmackin@ci.brisbane.ca.us>; O'Connell, Terry <terryoconnell@ci.brisbane.ca.us>; Davis, Madison <madisondavis@ci.brisbane.ca.us>; Cunningham, Karen <kcunningham@ci.brisbane.ca.us>; Lentz, Cliff <cliffrentz@ci.brisbane.ca.us>

Subject: Item B for 17 March 22 on Consent Calendar

16 MAR 22

Ingrid Padilla, Brisbane City Clerk

Mayor Mackin, Councilmembers O'Connell, Davis, Cunningham, and Lentz

Re: City Council Meeting for March 17, 2022.

I ask that you please remove item "B" from the consent calendar and place it on an agenda for future consideration. Please insert this letter into each councilmember's packet.

I believe the item related to Adoption of Military Equipment Use, if not removed the city violates the law, Assembly Bill 481, SECTION 1, Items (a) through (e). Item (c) specifically reads: "(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input."

The city has at least until May 1st if not the 180 days after initial police posting. Surely there is time to have meaningful public input, a discussion, the dissemination of information. Everyone I talked with since the March 3rd meeting had no idea of this. The public needs to be involved.

I am grateful that Chief Macias reached out to us Monday to answer questions. The public needs to hear answers also. She indicated it's all about transparency, but the text does not read that way. Maybe it needs to be reworded, another reason for public discussion.

After reading Assembly Bill 481, I note there is nothing in Brisbane Police Department General Order 709 that addresses the items (a) through (c) above. So, there are plenty of unanswered questions after reading the Order and surely more to surface when the public knows more. Several attempts to remove it from the Mar 3rd consent calendar were unheeded. It was not mentioned in the City Manager's 'The Blast', nor in the STAR, nor in the Luminary. It appears, to me, our leadership does not want us to know.

All I'm asking for is to open it up to public discussion soon. There needs to be a community discussion before any approvals are made. The people need to be better informed. We need to have a community discussion.

In conclusion, I understand the need for an inventory and the possible need for NCR SWAT to be deployed, but the way this reads is 'anyone, any device, anywhere, anytime, against anyone', and judgement of an incident only from the perspective a reasonable officer observing the scene.

Please remove from Consent Calendar, thank you.

Respectfully,

Tom Heinz

41 Humboldt Rd.

From: Earthhelp <earthhelp@earthlink.net>
Sent: Thursday, March 17, 2022 2:46 PM
To: Padilla, Ingrid <ipadilla@ci.brisbane.ca.us>
Subject: New Business , Item "L" Brownfield Grant

Dear Brisbane City Council,

As the founder of the Brisbane Baylands Community Advisory Group, I feel betrayed.

The purpose of the BBCAG was to set up a citizens group to bring different community values and understanding of the Baylands together and be involved in its clean up. This seems to be a matter our organization was created to advise on and would have liked to have been consulted. We would need to have a publicly-noticed meeting, noticed per the State of California's regulations.

We have made comments on multiple revisions of the EIR's presented for the Brisbane Baylands, Kinder Morgan, Brisbane Landfill, and Schlage Lock sites dating back to our inception. It would be nice to see how/if they are integrated.

I find it interesting that the City of Brisbane does not want to assume liability for these funds as well as co-mingle them in their general fund. Does this "new entity" have the asset or basis for such a generous public gift? We were told that the reason for the large development was so the developer would pay for the clean-up. This seems to be a departure from what we had been told.

Secondly, if the opportunity had been presented to the BBCAG group, we may have requested different studies. Based on the last presentation to our group by SFRWQCB, it's important to know the extent to which there is tidal influence. Saline water is reported to go as far west as the marsh at Main and Bayshore. You're trying to confirm leaving the Bunker "C" in place... this is a watershed, not an independent 130 acres.

If watershed studies are part of the scope, my apologies. Otherwise, we are wondering how the BBCAG can be involved in the RDIP planning without being the last to know.

Thank you for your consideration of the matter. If the city is looking for grants, how about increasing habitat , lagoon, parks, and open space studies? We would greatly appreciate those studies.

Most sincerely,
Dana Dillworth