

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
ADOPTING MILITARY EQUIPMENT USE POLICY NO. 707**

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (“AB 481”) now codified in California Government Code Sections 7070 through 7075, relating to the use of military equipment by law enforcement in California; and

WHEREAS, Government Code Section 7101(a)(1)(A-G) requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment; and

WHEREAS, Government Code Section 7101(a)(1) requires that the adoption of such ordinance occur at a regular City Council meeting held pursuant to open meeting laws; and

WHEREAS, the City Council has determined that the Policy complies with the requirements of AB 481 and that: (1) the identified military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; (2) the Policy will serve to safeguard the public’s welfare, safety, civil rights, and civil liberties; (3) in future instances in which equipment is to be purchased, the equipment will be reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and (4) any required corrective action has been taken to remedy use of military equipment inconsistent with the Policy and future compliance is ensured; and

WHEREAS, approval of the Policy authorizes funding, acquisition, and use of military equipment only as allowed by the Policy and requires annual reporting and approval in accordance with the Policy; and

WHEREAS, adoption of this Ordinance is not a project as defined by the California Environmental Quality Act (“CEQA”) because is an organizational or administrative activity that will result in direct in or indirect physical changes to the environment pursuant to CEQA Guidelines 15378(b)(5); and

THEREFORE, LET IT BE RESOLVED THAT NOW THE CITY COUNCIL OF THE CITY OF RICHMOND HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

The City Council finds and determines to be in full force and effect the Recitals above and hereby incorporates them herein.

SECTION 2. RICHMOND POLICE DEPARTMENT POLICY 707: MILITARY EQUIPMENT USE POLICY

The City Council hereby approves the City of Richmond Police Department Policy 707 entitled “Military Equipment Use Policy,” a copy of which is attached hereto and by this reference incorporated herein. A copy of the approved Policy 707 has been added to the City’s website for continuous access by the Council, staff and the public.

SECTION 3. SEVERABILITY CLAUSE

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this uncodified Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause, or phrase.

SECTION 4. NO CODIFICATION

This Ordinance shall not be codified in the Richmond Municipal Code.

SECTION 5. EFFECTIVE DATE

This uncodified Ordinance shall be effective thirty (30) days after passage and adoption. First introduced at a regular meeting of the City Council of the City of Richmond held _____, 2022, and finally passed and adopted at a regular meeting held _____, 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

CLERK OF THE CITY OF RICHMOND (SEAL)

Approved:

Mayor

Approved as to form:

City Attorney