

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
ADOPTING A MILITARY EQUIPMENT USE POLICY

WHEREAS, Assembly Bill 481, codified as Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of their governing body by ordinance adopting a “military equipment” use policy, at a regular meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment; and

WHEREAS, the Rocklin Police Department has submitted a Military Equipment Use Policy for the City Council’s consideration and adoption.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROCKLIN DOES ORDAIN AS FOLLOWS:

Section 1. Purpose.

The purpose of this ordinance is to adopt a military equipment use policy as required by California Government Code section 7070 et seq., as amended from time to time, with the requisite findings and determinations set forth therein.

Section 2. Authority.

This ordinance is enacted under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code sections 37100, and 7070, et seq.

Section 3. Findings.

- A. Assembly Bill 481, codified as Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of their governing body, by ordinance adopting a “military equipment” use policy, at a regular meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment, and Government Code section 7070 specifically defines the term or phrase “military equipment.”
- B. The Rocklin Police Department’s Military Equipment Use Policy is found within the Rocklin Police Department Policy Manual, Policy 706.
- C. The Rocklin Police Department’s Military Equipment Use Policy was published on the Rocklin Police Department’s website and presented to the City Council at least thirty days prior to the regular City Council meeting wherein the Policy was considered for adoption.
- D. The Rocklin Police Department’s Military Equipment Use Policy meets the requirements of California Government Code section 7070(d).

Section 4. Determinations.

Based upon the findings set forth above, in addition to information provided as part of the regular City Council meeting wherein the Rocklin Police Department's Military Use Policy was considered for adoption, the City Council of the City of Rocklin determines as follows:

1. The military equipment identified in the Rocklin Police Department's Military Equipment Use Policy is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
2. The Rocklin Police Department's Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. The military equipment identified in the Rocklin Police Department's Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. The Rocklin Police Department's Military Equipment Use Policy is approved and adopted.

Section 5. Effective Date. This ordinance shall take effect 30 days after the date of its adoption.

Section 6. Environmental. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 8. Publication. Within 15 days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, a summary of the ordinance, or an advertisement of the ordinance to be published in a newspaper of general circulation, with the names of those City Councilmembers voting for and against the ordinance, in accordance with Government Code section 36933.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on April 12, 2022, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Bill Halldin, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

First Reading:

Second Reading:

Effective Date: