

ORDINANCE NO. 2021-XXXX

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE ADOPTING A
MILITARY EQUIPMENT USE POLICY AND DECLARING
THE ORDINANCE TO BE AN EMERGENCY MEASURE
TO TAKE EFFECT IMMEDIATELY UPON ADOPTION
BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO**

SECTION 1. Findings

The City Council finds:

- A. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies.
- B. Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term “military equipment” is defined in California Government Code section 7070.
- C. Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations.
- D. The proposed military equipment use policy is found within Sacramento Police Department General Order 410.06.
- E. Sacramento Police Department General Order 410.06 was published on the Sacramento Police Department’s internet website on November 12, 2021. The Sacramento Police Department General Order 410.06 was presented to City Council on November 12, 2021.
- F. The Sacramento Police Department General Order 410.06 meets the requirements of California Government Code section 7070, subdivision (d).

SECTION 2. Determinations

Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:

1. The military equipment identified in Sacramento Police General Order 410.06 is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
2. Sacramento Police General Order 410.06 will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. The military equipment identified in Sacramento Police General Order 410.06 is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Sacramento Police General Order 410.06 is approved and adopted.

SECTION 3. Emergency Declaration

The City Council declares this ordinance to be an emergency measure, to take effect immediately upon its adoption pursuant to Sacramento City Charter section 32(g)(2). The facts constituting the emergency are as follows:

On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of "military equipment" by law enforcement agencies. Assembly Bill 481 requires a law enforcement agency to obtain approval from the applicable governing body, via adoption of a "military equipment" use policy by ordinance, prior to the agency funding, acquiring, or using military equipment.

The Sacramento Police Department has been diligently preparing the "military equipment" use policy since AB 481 was signed. Nevertheless, given the extensive requirements and notice provisions in the law, which includes mandatory publication of the proposed policy 30-days prior to public hearing, the policy and ordinance could not be made ready for hearing in time to accommodate the 30-day delay in effectiveness of the ordinance.

If this ordinance does not become effective prior to January 1, 2022, the City may be prohibited from using "military equipment", as the term is defined in California Government Code section 7070, until the ordinance becomes effective. Such a delay would curtail the Sacramento Police Department's ability to use less-lethal tools, and hinder the effectiveness of the Sacramento Police Department in preventing and addressing crime in the City, which in turn, would put the health, safety, and welfare of citizens at increased risk.