

ORDINANCE NO. -

AN ORDINANCE OF THE CITY OF ROHNERT PARK, CALIFORNIA, ADOPTING A MILITARY EQUIPMENT USE POLICY

WHEREAS, On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies; and

WHEREAS, Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body prior to taking certain actions relating to the funding, acquisition, solicitation, or use of military equipment; and

WHEREAS, Government Code section 7071 requires that the approval by the governing body be by an ordinance adopting a military equipment use policy, at a regular meeting held pursuant to open meeting laws; and

WHEREAS, Government Code section 7071(d)(1) 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 with respect to a military equipment use policy; and

WHEREAS, a draft of the Rohnert Park Department of Public Safety Policy 706 “Military Equipment” was published on the Rohnert Park Department of Public Safety’s internet website, and provided to the City Council at least 30 days prior to a public hearing held in accordance with requirements of Government Code section 7071(b); and

WHEREAS, the Rohnert Park Department of Public Safety Policy 706 “Military Equipment” meets the requirements of California Government Code section 7070(d); and

WHEREAS, the military equipment identified in the Rohnert Park Department of Public Safety Policy 706 “Military Equipment” is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety; and

WHEREAS, Rohnert Park Department of Public Safety Policy 706 “Military Equipment” will safeguard the public’s welfare, safety, civil rights, and civil liberties; and

WHEREAS, the military equipment identified in Rohnert Park Department of Public Safety Policy 706 “Military Equipment” is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and

WHEREAS, the City Council of the City of Rohnert Park was presented with the annual military equipment report by the Rohnert Park Department of Public Safety at its regular City Council meeting of April 9, 2024, and has determined that use of each type of military equipment identified in that report has complied with the military equipment use policy that was in effect at the time;

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

SECTION 1. Recitals. The above recitals are adopted as findings of the City Council in enacting this ordinance.

SECTION 2. Adoption of Policy. The Rohnert Park Department of Public Safety Policy 706 “Military Equipment” attached hereto and incorporated herein as Exhibit A is hereby approved and adopted. The Policy set forth in Exhibit A supersedes and replaces the Policy 706 that was approved by Ordinance 977 adopted at the City Council’s regular meeting on May 23, 2023.

SECTION 3. Reporting and Publication of Policy.

In accordance with Government Code section 7071(d)(2), the Director of the Department of Public Safety shall cause the Policy 706 “Military Equipment” to be made publicly available on the Department’s internet website for as long as military equipment is available for use. The Department of Public Safety is directed to make available the reports and conduct the required community engagement meeting required by Government Code section 7072(b) on an annual basis.

SECTION 4. Effective Date. This ordinance shall be in full force and effective 30 days after its adoption.

SECTION 5. Publication of Ordinance. The City Clerk is directed to cause this ordinance to be published in the manner required by law.

SECTION 6. Environmental Review. The City Council finds the approval of this ordinance is exempt under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment.

This ordinance was introduced by the City Council of Rohnert Park at its meeting regularly held on April 23, 2024 and adopted by the Council of the City of Rohnert Park on May 14, 2024, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ROHNERT PARK

Susan H. Adams, Mayor

ATTEST:

Sylvia Lopez Cuevas, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon, City Attorney

Attachment: Exhibit A