

ORDINANCE NO. 2022-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MADERA ADDING CHAPTER 16 TO TITLE III OF THE MADERA
CITY CODE RELATING TO ADOPTION OF A MILITARY
EQUIPMENT USE POLICY**

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 16 is added to Title III of the Madera Municipal Code to read as follows:

**CHAPTER 16
Military Equipment Use Policy**

- 3-16.01 Title of Ordinance.**
- 3-16.02 Findings.**
- 3-16.03 Determinations.**

Section 3.16.01 Title of Ordinance

This chapter shall be titled “Military Equipment Use Policy.”

Section 3.16.02 Findings.

- 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 Madera Police Department Policy Section 709.
- E. The Military Equipment Use Policy as set forth in Madera Police Department Manual Section 709 was published on the Madera Police Department’s internet website on _____, 2022. The Madera Police Department Policy Section 709 was presented to City Council on _____, 2022.

- F. The Military Equipment Use Policy as set forth in Department Policy Section 709 meets the requirements of California Government Code section 7070, subdivision (d).

Section 3-16.03. Determinations.

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

- A. The military equipment identified in Madera Police Policy 709 is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
- B. The Military Equipment Use Policy as set forth in Madera Police Manual 709 will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. The military equipment identified as Madera Police Manual 709 is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D. The Military Equipment Use Policy as set forth in Madera Police Manual 709 is approved and adopted.
- E. A copy of the Madera Police Manual 709 may be obtained from the Madera Police Department or the City Clerk.

SECTION 2. CEQA. The City Council finds and determines that this ordinance is not a "project" for the purposes of the California Environmental Quality Act (CEQA), as the ordinance does not have the potential for resulting in either a direct physical change in the environment, or a reasonably indirect physical change in the environment. Instead, the ordinance merely provides a procedural mechanism for enforcing the City's Municipal Code and abating nuisances so as to promote public health, safety, and welfare. As such, the adoption of this ordinance is not subject to CEQA.

SECTION 3. Effective Date. This ordinance shall become effective thirty days after its adoption.

SECTION 4. Publication. The City Clerk is authorized to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation in the City of Madera, within fifteen days after its adoption. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted. The ordinance shall become effective thirty days after its adoption.

(Certification on next page)

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Madera held on _____, 2022, and was passed and adopted at a regular meeting of the City Council held on _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Alicia Gonzales, City Clerk

Santos Garcia, Mayor