

CITY COUNCIL OF THE CITY OF GRASS VALLEY

ORDINANCE NO. 815

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF GRASS VALLEY ADOPTING A POLICY
FOR THE USE OF MILITARY EQUIPMENT BY THE
GRASS VALLEY POLICE DEPARTMENT

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;

WHEREAS, Assembly Bill No. 481 (“AB 481”), codified as Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval from their governing body before requesting, funding, acquiring, using, or collaborating in the use of military equipment, as defined in Government Code section 7070;

WHEREAS, any elected body that oversees a law enforcement agency with military equipment must adopt a military equipment use policy by ordinance at a regular meeting held pursuant to open meeting laws;

WHEREAS, the elected body must make specific findings before approving a military equipment use policy;

WHEREAS, the Grass Valley Police Department’s proposed Military Equipment Use Policy (the “Policy”) is attached hereto as Exhibit “A” and incorporated herein by this reference;

WHEREAS, a draft Policy was presented to before the City Council on March 22, 2022; and

WHEREAS, the Policy was published on the Grass Valley Police Department’s internet website on March 23, 2022, more than 30 days before the Policy was considered at a public hearing before the City Council on April 26, 2022; and

WHEREAS, a public engagement meeting was held by the Police Department, open to the public, related to the Police Department’s possession and use of military equipment on April 7, 2022; and

WHEREAS, the Policy meets the requirements of California Government Code section 7070, subdivision (d).

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I: DETERMINATIONS

The City Council finds recitals above are true and correct and incorporates them herein. Based on the recitals and the information provided to the City Council at the public hearing on the Military Equipment Use Policy, the City Council finds as follows:

1. The military equipment identified in the 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 Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. The military equipment identified in the Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. All prior military equipment use complied with the City's policies that were in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

SECTION II: IMPLEMENTATION

The City Council authorizes the Chief of Police to designate a Military Equipment Coordinator to implement the Policy.

SECTION III. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Grass Valley hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION IV. PUBLICATION AND EFFECTIVE DATE

This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in a newspaper of general circulation, published in the City of Grass Valley, within fifteen (15) days after its passage and adoption, or

publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Grass Valley, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance. This Ordinance shall become effective thirty (30) days from and after the date of its passage.

SECTION V. CEQA FINDINGS

This ordinance is exempt from the California Environmental Quality Act (“CEQA”) under 14 Cal. Code Regs. Section 15061(b)(3) because it can be seen with certainty that there is no possibility that its adoption will have a significant adverse effect on the environment and under Section 15378 because this ordinance is not a project because it involves administrative activities that will not result in direct or indirect physical changes in the environment.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly adopted by the City Council of the City of Grass Valley, California, at a meeting thereof, held on the ____ day of _____, by the following vote, to wit:

AYES: Councilmembers

NOES: Councilmembers

ABSTAIN: Councilmembers

ABSENT: Councilmembers

City Clerk

City of Grass Valley

Approved as to form:

City Attorney of the City of Grass Valley