

ORDINANCE NO. ____

RENEWING CITY OF ROSEVILLE ORDINANCE 6463 AND READOPTING
AND CONTINUING ROSEVILLE POLICE DEPARTMENT POLICY NO. 706,
TITLED “MILITARY EQUIPMENT”

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1.

- 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. 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, and/or use of military equipment within its jurisdiction only if it makes specified findings.
- B. At its March 1, 2022 meeting, the City Council was presented with Ordinance 6463, which included the findings required by AB 481 and, if adopted, would approve and adopt a Roseville Police Department Policy No. 706, titled “Military Equipment”. The proposed Military Equipment Policy was consistent with AB 481 and based on a model policy utilized by many other law enforcement agencies in California. The City Council elected to move forward with the Military Equipment Policy and introduced Ordinance 6463 for first reading that evening.
- C. At its March 15, 2022 meeting, the City Council completed the second reading and adopted Ordinance 6463, thereby approving and adopting Roseville Police Department Policy No. 706, titled “Military Equipment”. Through adoption of Ordinance 6463, the City Council also made the following findings:
1. The “military equipment” (as defined by California Government Code section 7070(c)) is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
 2. The “Military Equipment” Policy No. 706 will safeguard the public’s welfare, safety, civil rights, and civil liberties;
 3. The current “military equipment” identified in “Military Equipment” Policy No. 706 and purchasing any future “military equipment” on the list of “military equipment” (as defined by California Government Code section 7070(c)) is reasonably cost effective compared to available

alternatives that can achieve the same objective of officer and civilian safety; and

4. Prior “military equipment” use complied with the military equipment use policy that was in effect at the time.

D. AB 481 further requires that the City Council review any ordinance adopted pursuant to AB 481 at least annually, and to vote on whether to “renew” the ordinance. In making this decision, the City Council is required to determine whether each type of military equipment owned by the City complied with the findings originally made during adoption of the ordinance. This determination is to be based on an annual report prepared by the Police Department that includes at least the following information for each type of military equipment approved for use:

1. A summary of how the military equipment was used and the purpose of its use;
2. A summary of any complaints or concerns received concerning the military equipment;
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response;
4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report;
5. The quantity possessed for each type of military equipment; and
6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The annual report must also be made publicly available on the Roseville Police Department’s webpage, and the Department must also hold at least one well-publicized and conveniently located community engagement meeting at which the general public may discuss and ask questions regarding the annual military equipment report and the Department’s funding, acquisition, or use of military equipment.

E. On February 13, 2024, the Roseville Police Department published its Annual Report regarding AB 481 and the Military Equipment Policy to the Department’s webpage. The Report covers the reporting period of January 1,

2023, through December 31, 2023, and includes all information required by AB 481. The Roseville Police Department also held a community engagement meeting on February 20, 2023, at 6:00 p.m. at the Roseville Police Department. The meeting was well-publicized, and the general public was invited to attend to discuss and ask questions regarding the annual military equipment report and the Department's funding, acquisition, or use of military equipment.

- F. On March 6, 2024, the Annual Report for the period of January 1, 2023 through December 31, 2023, regarding AB 481 and the City of Roseville Police Department's Military Equipment Police was submitted to the City Council pursuant to Government Code section 7072.

SECTION 2. The City Council of the City of Roseville makes the following findings:

- A. The City Council has reviewed Ordinance 6461, which was adopted pursuant to AB 481 and approved the funding, acquisition, or use of "military equipment" and approved and adopted Roseville Police Department Policy No. 706, titled "Military Equipment".
- B. The City Council was presented with the Annual Report, covering the period of January 1, 2023 through December 31, 2023, prepared by the Roseville Police Department pursuant to Government Code sections 7071 and 7072.
- C. Based on the Annual Report prepared by the Roseville Police Department and submitted to the City Council, the City Council determines that each type of "military equipment" identified in the Report has complied with the standards of approval set forth in Government Code section 7071, subsection (d), and adopted by the City Council through Ordinance 6463.
- D. The Roseville Police Department Policy No. 706, titled "Military Equipment", meets all requirements of Government Code sections 7070 – 7075.
- E. Ordinance 6463 is renewed and Roseville Police Department Policy No. 706, titled "Military Equipment", is approved and readopted.

SECTION 3. This ordinance shall be effective at the expiration of thirty (30) days from the date of its adoption.

SECTION 4. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk