

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 6 OF CHAPTER 5 TO THE FRESNO
MUNICIPAL CODE, ADOPTING A POLICY FOR THE USE
OF MILITARY EQUIPMENT BY THE FRESNO POLICY
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; and

WHEREAS, Assembly Bill 481, codified at California Government Code section 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; and

WHEREAS, 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; and

WHEREAS, the proposed Fresno Police Department military equipment use policy is titled Military Equipment Funding, Acquisition and Use Policy, Policy No. 706, within the Fresno Police Department Policy Manual; and

WHEREAS, Fresno Police Department Policy No. 706, along with a list of current military equipment, was published on the Fresno Police Department's internet website on

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: ANK

Ordinance No.

March 29, 2022, and has remained published. The Fresno Police Department Policy No. 706 was presented to Council for the City of Fresno on April 28, 2022; and

WHEREAS, the Fresno Police Department Policy No. 706 meets the requirements of California Government Code section 7070, subdivision (d).

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

SECTION 1. RECITALS. The above recitals are hereby declared to be true and correct and represent the findings of the Council made in exercise of its independent judgement.

SECTION 2. Article 6 of Chapter 5 is added to the Fresno Municipal Code to read:

ARTICLE 6

POLICE DEPARTMENT MILITARY EQUIPMENT REGULATIONS

Section	5-601.	Findings
Section	5-602.	Policy

SECTION 5-601. FINDINGS. Based on facts and information provided to the City Council at a public hearing at a regularly scheduled Council meeting, the City Council approves and adopts the Military Equipment Policy, Fresno Police Department Policy No. 706, based on the following findings:

(a) The military equipment identified as defined by California Government Code section 7070, subdivision (c) is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

(b) The proposed Military Equipment Funding, Acquisition and Use Policy No. 706 will safeguard the public's welfare, safety, civil rights, and civil liberties.

(c) The military equipment identified in Military Equipment Funding, Acquisition and Use Policy No. 706 is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(d) All prior military equipment use complied with the City's policies that were in effect at the time.

SECTION 5-602. POLICY.

(a) Fresno Police Department Policy No. 706, Military Equipment Funding, Acquisition and Use Policy is approved and adopted, and Council authorizes the use, acquisition, and seeking of funds for all military equipment as defined by California Government Code section 7070, subdivision (c) and Policy No. 706 Military Equipment Funding, Acquisition and Use Policy.

(b) Fresno Police Department Policy No. 706 shall be published on the Police Department's website and made publicly available at all times military equipment is available for use, in compliance with state law.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney