

ORDINANCE NO. 2576

**AN ORDINANCE OF THE CITY OF CHICO, CALIFORNIA, ADOPTING A
MILITARY EQUIPMENT USE POLICY AND AMENDING TITLE 2,
CHAPTER 2.28 OF THE CHICO MUNICIPAL CODE BY ADDING SECTION
2.28.050 ENTITLED “MILITARY EQUIPMENT USE POLICY” IN
COMPLIANCE WITH ASSEMBLY BILL 481**

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (“AB 481” creating Government Code Section 7070, et seq.), relating to the use of military equipment by California law enforcement agencies; and

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

WHEREAS, the Chico Police Department is in possession of certain items of equipment that qualify as “military equipment” under AB 481; and

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment must prepare a publicly released, written, military equipment use policy document (“Policy”) covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department’s use of such equipment; and

WHEREAS, the Policy and supporting information must be approved by the governing body by ordinance, and reviewed annually; and

WHEREAS, the City Council of the City of Chico, having received the information required under AB 481 regarding the Chico Police Department’s use of military equipment as defined in said law, deems it to be in the best interest of the City to approve the Military Equipment Policy as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico does hereby adopt the following ordinance amending Title 2 of the City of Chico Municipal Code:

SECTION 1: The City Council of the City of Chico hereby determines and finds that the facts set forth in the recitals are true and correct and are hereby incorporated as substantive findings.

1 **SECTION 2:** That a new Section 2.80.050 is added to Chapter 2.80 (entitled “Police
2 Department”) of Title 2 (entitled “Administration and Personnel”) of “The Code of the City of
3 Chico, California” to read as follows:

4 **TITLE 2 ADMINISTRATION AND PERSONNEL**

5 **CHAPTER 2.28 POLICE DEPARTMENT**

6 **2.80.050 Military Equipment Policy.**

7 (a) The City Council has made the following determinations:

8 (1) The military equipment identified in the Chico Military Equipment Use
9 Policy (“Policy”) is necessary because there is no reasonable alternative that can
10 achieve the same objective of officer and civilian safety;

11 (2) The Chico Military Equipment Use Policy will safeguard the public’s
12 welfare, safety, civil rights, and civil liberties;

13 (3) The military equipment identified in the Policy is reasonably cost effective
14 compared to available alternatives that can achieve the same objective of officer and
15 civilian safety ;

16 (4) Prior military equipment use complied with the applicable equipment use
17 policy (which included equipment now defined as military equipment) that was in
18 effect at the time, or if prior uses did not comply with the accompanying military
19 equipment use policy, corrective action has been taken to remedy nonconforming
20 uses and ensure future compliance;

21 (b) The Police Department has submitted a proposed Policy to the City Council and has
22 made those documents available on the Police Department’s website for at least 30 days
23 prior to the public hearing concerning the military equipment at issue.

24 (c) The Policy was considered by the City Council as an agenda item in an open session
25 of a regular meeting, noticed in accordance with the Ralph M. Brown Act, at which public
26 comment was permitted.

27 (d) The Policy shall be made publicly available on the Police Department’s website for
28 as long as the military equipment is available for use.

 (e) The Police Department shall submit an annual military equipment report to the City
 Council, containing the information required in Government Code Section 7072, and the

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City Council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in (a)(1)-(4) above.

(f) The City Council shall review this ordinance, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code Section 7071(e)(2)

(g) The City Council approves the use of the Policy, General Order 709, and finds that it satisfies the requirements of Government Code Section 7070.

SECTION 3: Severability. If any section, subsection, sentence, clause, portion, phrase or word of this ordinance is for any reason held to be illegal, invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion, phrase, or word hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption.

SECTION 5: Certification. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted in the manner required by law.

THE FOREGOING ORDINANCE was adopted at a meeting of the City Council of the City of Chico on April 19, 2022, by the following vote:


AYES: Bennett, Morgan, O'Brien, Tandon, Reynolds, Coolidge
NOES: Brown
ABSENT: None
ABSTAIN: None
DISQUALIFIED: None

ATTEST:



Deborah R. Presson
City Clerk

APPROVED AS TO FORM:



Vincent C. Ewing, City Attorney*

*Pursuant to the Charter of the City of Chico Section 906(e)