

**AN ORDINANCE OF THE ALBANY CITY COUNCIL ADOPTING A  
MILITARY EQUIPMENT USE POLICY PURSUANT TO ASSEMBLY BILL 481**

**WHEREAS**, AB 481 requires adoption of the Policy by the City Council before the law enforcement agency can take action to request military equipment as defined by the statute; seek funds (such as grants or in-kind donations) for acquiring military equipment; actually acquire military equipment, either permanently or temporarily by owning, borrowing, or leasing; collaborate with other law enforcement agencies to deploy or use military equipment in the agency's territorial jurisdiction; use new or existing military equipment in a manner not previously subject to AB 481's scope; solicit or respond to a proposal for, or enter into an agreement with, any person or entity to seek funds for, apply for, acquire, use, or collaborate in using military equipment; or to acquire military equipment through any other means not specifically detailed in the statute; and

**WHEREAS**, to continue to use military equipment acquired prior to January 1, 2022, the law enforcement agency must commence the process of adopting the Policy no later than May 1, 2022; and

**WHEREAS**, in accordance with AB 481, the proposed Policy was made available on the website of the Albany Police Department (“Police Department”) at least 30 days prior to the public hearing by the City Council to adopt the Policy; and

1           **WHEREAS**, once adopted, the Policy will be made publicly available on the Police  
2 Department's website for as long as the covered military equipment is available for use;  
3 and  
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5           **WHEREAS**, in accordance with AB 481, the Policy is being agendized as an open  
6 session item at a regular meeting of the City Council, and public comment on the item will  
7 be allowed in accordance with the Brown Act; and  
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9           **WHEREAS**, this Ordinance shall be reviewed by the City Council at least annually,  
10 and based on an annual military equipment report that will be submitted to the City Council  
11 pursuant to AB 481, the City Council shall determine whether each type of military  
12 equipment identified in the report has complied with the standards for continued approval.  
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14           **THE COUNCIL OF THE CITY OF ALBANY DOES ORDAIN AS FOLLOWS:**  
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16           **SECTION 1: INCORPORATION OF RECITALS.**  
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18           The City Council hereby finds that all of the foregoing recitals are true and correct  
19 and are hereby incorporated and adopted as findings of the City Council as if fully set forth  
20 herein.  
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22           **SECTION 2. FINDINGS.**  
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24           Pursuant to Government Code section 7071(d)(1), as may be amended or  
25 renumbered from time to time, the City Council hereby makes the following findings in  
26 support of its adoption of the Policy:  
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28           A.     The military equipment identified in the Policy is necessary because there is  
no reasonable alternative that can achieve the same objective of officer and civilian safety.

1           B.       The proposed Policy will safeguard the public’s welfare, safety, civil rights,  
2 and civil liberties.  
3

4           C.       If the Police Department purchases military equipment pursuant to the  
5 Policy, the equipment is reasonably cost effective compared to available alternatives that  
6 can achieve the same objective of officer and civilian safety.  
7

8           D.       Prior military equipment use complied with the military equipment use  
9 policy that was in effect at the time, or if prior uses did not comply with the accompanying  
10 military equipment use policy, corrective action has been taken to remedy nonconforming  
11 uses and ensure future compliance.  
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### 13 14 **SECTION 3. SEVERABILITY.**

15           In light of the findings in Section 2, and in accordance with AB 481, the Policy  
16 attached to this Ordinance as Exhibit “A” is hereby adopted by the City Council.  
17

### 18 19 **SECTION 4. CEQA.**

20           The City Council finds that this Ordinance is not subject to the California  
21 Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not  
22 result in a direct or reasonably foreseeable indirect physical change in the environment) and  
23 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA  
24 Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential  
25 for resulting in physical change to the environment, directly or indirectly.  
26  
27  
28

**SECTION 5. SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.

### SECTION 3: PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall be posted at three public places within the City of Albany and shall become effective thirty (30) days after the date of its posting.

**PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on  
the \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PRESTON JORDAN, MAYOR

**Attachment:** Exhibit A – Military Equipment Use Policy