

**ORDINANCE No. 2022-\_\_**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF FOWLER  
ADOPTING A MILITARY EQUIPMENT USE POLICY**

The City Council of the City of Fowler does hereby ordain as follows:

**SECTION 1.** Findings.

The City Council finds:

- A. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, which codified procedures of funding, acquisition and use of military equipment by law enforcement agencies under Government Code sections 7070 through 7075.
- B. Assembly Bill 481 requires law enforcement agencies to obtain approval from the applicable governing body by ordinance adopting a military equipment use policy prior to taking certain actions relating to funding, acquisition, or use of military equipment.
- C. Assembly Bill 481 allows a city council of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations pursuant to Government Code section 7071.
- D. Assembly Bill 481 requires law enforcement agencies to annually submit to the applicable governing body a military equipment report for each approved type of military equipment for as long as the military equipment is available for use, and to make each annual report publicly available on its website for as long as the equipment is available for use.
- E. Assembly Bill 481 requires a city council that has adopted an ordinance approving a military equipment use policy to annually review the military equipment report submitted by the law enforcement agency to determine whether each type of military equipment identified in the report continues to comply with the standard of approval.
- F. Assembly Bill 481 requires a city council that has adopted an ordinance approving a military equipment use policy to annually review the ordinance and vote on whether to renew the ordinance at a regular meeting.
- G. Policy 705 of the Fowler Police Department Policy Manual has been prepared by the Fowler Police Department as its proposed military equipment use policy, and it has been published on the Fowler Police Department's internet website since \_\_\_\_\_, 2022.

H. A duly noticed public hearing was conducted by the City Council at its regular meeting on \_\_\_\_\_, 2022, to consider Policy 705.

**SECTION 2.** Determinations.

A. Based on the above-findings and the information provided to the City Council at the public meeting, the City Council determines that Policy 705 of the Fowler Police Department Policy Manual complies with standards for approval under Government Code section 7071:

1. The identified military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

2. Policy 705 of the Fowler Police Department Policy Manual will safeguard the public's welfare, safety, civil rights, and civil liberties.

3. The purchase and use of the identified military equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

4. All military equipment use prior to the adoption of Policy 705 of the Fowler Police Department Policy Manual complied with applicable Department policy in effect at that time, and adoption of Policy 705 will ensure future compliance.

B. Policy 705 of the Fowler Police Department Policy Manual is approved and adopted.

**SECTION 3.** This Ordinance shall take effect thirty (30) days after its adoption but will not be codified in the City's Municipal Code.

**SECTION 4.** The City Clerk is hereby directed to cause a summary of this Ordinance to be published by one (1) insertion in a newspaper of general circulation in the community at least five (5) days prior to adoption and again fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which the ordinance is adopted, and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

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The foregoing Ordinance No. 2022-\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Fowler held on \_\_\_\_\_, 2022, and was thereafter duly adopted at a regular meeting of said City Council held on \_\_\_\_\_, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:

\_\_\_\_\_  
Angela Vasquez, Deputy City Clerk