

**ORDINANCE NO. 743**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
APPROVING SOLEDAD POLICE DEPARTMENT POLICY MANUAL,  
POLICY 706- MILITARY EQUIPMENT**

**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 (AB 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; and

**WHEREAS**, AB 481 allows the City Council to approve the funding, acquisition, or use of military equipment, within its jurisdiction only if it makes specified determinations; and

**WHEREAS**, a proposed military equipment use policy is found within Soledad Police Department Policy Manual, Policy 706- Military Equipment (“Policy 706”); and

**WHEREAS**, the policy was published and displayed on the City of Soledad website on April 25, had a public hearing notice concerning its potential adoption published on June 1, 2022 and is being presented to the City Council for adoption on June 15, 2022; and

**WHEREAS**, Policy 706 meets the requirements of California Government Code Section 7070; and

**WHEREAS**, the Council believes that with respect to Policy 706, 1) the identified equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; 2) the policy will serve to safeguard the public’s welfare, safety, civil rights, and civil liberties; 3) in future instances in which equipment is to be purchased, the equipment will be reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and 4) corrective action has been taken, as necessary, to ensure that prior nonconforming use of military equipment is in compliance with new policies; and

**WHEREAS**, by approving Policy 706, the Council will be authorizing the limited use of identified “military equipment” by the members of the Soledad Police Department, and attendant annual reporting and approval of use of such equipment in accordance with Policy 706; and

**WHEREAS**, in the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and found this activity is not a “project” as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOLEDAD DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** All of the recitals set forth above are true and correct and by this reference are adopted as findings of the City Council as though set forth in full within the body of this ordinance.

**SECTION 2.** The Council hereby approves City of Soledad Police Department Policy Manual Policy 706-Military Equipment, a copy of which is attached hereto and by this reference incorporated herein. A copy of approved Policy 706 will be added to the City's website for continuous access by the Council, staff and the public.

**SECTION 3.** The City Manager is directed to execute all documents and to perform all other acts necessary to implement this Ordinance.

**SECTION 4.** If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

**SECTION 5.** This ordinance shall become effective on the thirtieth (30th) day following its passage and adoption hereof.


**PASSED AND ADOPTED** by the City Council of the City of Soledad this 15th day of June, 2022, by the following vote:

**AYES**, and in favor thereof Councilmembers: Benjamin Jimenez, Jr.,  
Mayor Anna M. Velazquez, Carla Strobridge, Alejandro Chavez

**NOES**, Councilmembers: None

**ABSENT**, Councilmembers: Lara

**ABSTAIN**, Councilmembers: None

  
ANNA M. VELAZQUEZ, the Honorable Mayor

ATTEST:

  
BRENT SLAMA, City Clerk