ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING SECTION 2.80.080 ("MILITARY EQUIPMENT POLICY") OF CHAPTER 2.80 ("POLICE DEPARTMENT") OF TITLE 2 ("ADMINISTRATION AND PERSONNEL") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, In March 2022, the City Council approved Ordinance No. 2042 adding Section 2.80.080 ("Military Equipment Policy") to Chapter 2.80 ("Police Department") of Title 2 ("Administration and Personnel") of the Santa Clara City Code, to implement the requirements of California Assembly Bill 481 (AB 481), codified in California Government Code Sections 7070, et seq.;

WHEREAS, the City Council of the City of Santa Clara desires to ensure that the Santa Clara City Code remains accurate, consistent, and aligned with the requirements of AB 481 and the corresponding provisions of the State of California Government Code;

WHEREAS, California Government Code Sections 7070, 7071, and 7072 may be amended or renumbered by the State from time to time, and that updates to Santa Clara City Code Section 2.80.080 are therefore necessary to reference these statutory provisions as that section may be amended or renumbered in order to preserve clarity and legal consistency; **WHEREAS,** transparency and accountability are integral to the implementation of the Military Equipment Use Policy and that such accountability is required through regular review and renewal of the ordinance;

WHEREAS, the City Council desires ongoing oversight by requiring an annual review of the Military Equipment Use Policy by the City Council, and by requiring the annual renewal of

the Ordinance to be by formal written Resolution; and

WHEREAS, to balance the interests of transparency, accountability, and operational efficiency, the City Council deems it to be in the best interests of the City to amend Section 2.80.080 of the City Code to reference numbered State law sections and to allow annual review and approval by Resolution.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

<u>**SECTION 1**</u>: That Section 2.80.080 (entitled "Military Equipment Policy") of Chapter 2.80 (entitled "Police Department) of Title 2 (entitled "Administration and Personnel") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"2.80.080 Military equipment policy.

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

(1) The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

(2) The proposed military equipment use policy ("policy") will safeguard the public's welfare, safety, civil rights, and civil liberties;

(3) The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any);

(4) Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy,

corrective action has been taken to remedy nonconforming uses and ensure future compliance.

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

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

(d) The policy shall be made publicly available on the Police Department's website for 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 (as that section may be amended or renumbered), and the City Council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in subsections (a)(1) through (a)(4) of this section.

(f) The City Council shall review the ordinance codified in this section along with the annual military equipment report, and vote on whether to renew it on an annual basis at a regular meeting, by adoption of a written Resolution, in accordance with Government Code Section 7071(e)(2) (as that section may be amended or renumbered).

(g) The City Council approves the use of the policy, and finds that it satisfies the requirements of Government Code Section 7070(d) (as that section may be amended or renumbered)."

SECTION 2: Ordinances Repealed. With exception of the provisions protected by the

savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

SECTION 3: **Savings clause**. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: **Effective date**. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 16th day of January, 2026, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
                 NORA PIMENTEL, MMC
                 ASSISTANT CITY CLERK
                 CITY OF SANTA CLARA

Attachments incorporated by reference:
None