

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**ORDINANCE NO. 2024-001**

**AN ORDINANCE OF THE CITY COUNCIL OF CARMEL-BY-THE-SEA ADDING  
CHAPTER 8.30 TO TITLE 8 OF THE CITY OF CARMEL-BY-THE-SEA MUNICIPAL  
CODE REGARDING A POLICY RELATED TO USE OF MILITARY EQUIPMENT USE  
BY THE CARMEL-BY-THE-SEA POLICE DEPARTMENT**

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(c); 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, the Carmel-by-the-Sea Police Department’s Draft Military Equipment Use Policy No. 701 was published on the Carmel-by-the-Sea website on the Police Department Policy page on April 24, 2024, and is being presented to the City Council on June 4, 2024; and

WHEREAS, the proposed Military Equipment Use Policy No. 701 meets the requirements of California Government Code Section 7070; and

WHEREAS, this ordinance adds Chapter 8.30 to Title 8 of the Municipal Code to adopt Carmel-by-the-Sea Police Department’s Draft Military Equipment Use Policy No. 701 and authorize the use of “military equipment” by the members of the Carmel-by-the-Sea Police Department as described in Policy 701; 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.

**THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA HEREBY ORDAIN AS  
FOLLOWS:**

**SECTION 1.** Chapter 8.30 is hereby added to Title 8, Health and Safety, of the Carmel-by-the-Sea Municipal Code to read as follows:

**Chapter 8.30 Law enforcement military equipment funding, acquisition, and use ordinance.**

**8.30.010. Policy.** The Police Department shall establish a policy by ordinance that requires approval from the City Council prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

**8.30.020. Military Equipment.** For purposes of this Chapter 8.30 “military equipment” shall have the meaning provided in California Government Code Section 7070(c).

The policy shall be established, maintained, and amended as needed in accordance with California Government Code Section 7071(a)(1).

**SECTION 2. Determinations.** Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:

1. The military equipment identified in the annual military equipment report has complied with the standards for approval as set forth in Government Code Section 7071(d).
2. The Carmel-by-the-Sea Police Department’s Military Equipment Use Policy is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

3. The Carmel-by-the-Sea Police Department's Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
4. The military equipment identified in the Carmel-by-the-Sea Police Department's Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.
5. Prior military equipment use by the Carmel-by-the-Sea Police Department complied with the Military Equipment Use Policy although it was not yet 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.
6. The Carmel-by-the-Sea Police Department's Draft Military Equipment Use Policy, Policy 701, setting forth the City's military equipment use policy is hereby adopted.

**SECTION 3. Severability.** If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining sections, subsections, provisions, sentences, clauses, phrases or words of this Ordinance.

**SECTION 4. Effective Date.** This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea.

**SECTION 5. Codification.** The City Clerk is hereby authorized and directed to codify the provisions of Section 1 of this Ordinance into the Carmel-by-the-Sea Municipal Code.

**INTRODUCED**, at a Regular City Council Meeting on June 4, 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this X day of X, 2024 by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter, Mayor

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Nova Romero, MMC, City Clerk