

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, RENEWING ORDINANCE NO. 1841 AND DETERMINING THAT MILITARY EQUIPMENT USE BY THE LA HABRA POLICE DEPARTMENT COMPLIES WITH STATE LAW

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (“AB 481”), adding Chapter 12.8, “Funding, Acquisition and Use of Military Equipment”, to Division 7 of Title 1 of the Government Code (sections 7070 – 7075), relating to the use of military equipment by California law enforcement agencies; and

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

WHEREAS, the La Habra Police Department is in possession of items of equipment that qualify as “military equipment” under AB 481 and may acquire additional such items at a later date; and

WHEREAS, AB 481 requires, inter alia, that a law enforcement agency possessing and using such qualifying equipment must prepare a publicly released, written, military equipment use policy covering the inventory, description, quantity, purpose, capabilities, use, lifespan, acquisition, maintenance, authorized use, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department’s use of such equipment, and

WHEREAS, the policy was approved by the City Council by Ordinance No. 1841, and must be reviewed annually thereafter; and

WHEREAS, the City has prepared an annual report on the use of military equipment by the police department in compliance with AB 481 and has made this report publicly available on its website; and

WHEREAS, the police department has conducted a well-publicized community engagement meeting where members of the public had the opportunity to discuss and ask questions about the City’s military equipment use policy; and

WHEREAS, the City Council finds that it is in the public health, safety, and interest to renew Ordinance No. 1841, that adopted the City’s military equipment use policy and determines that the military equipment identified in the annual report complies with the standards contained in Government Code 7071(d).

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are hereby incorporated into this resolution.

SECTION 2. Ordinance No 1841, is hereby renewed and the City Council determines that the military equipment identified in the 2022 annual report complies with the standards contained in Government Code 7071(d).

SECTION 3. Certification. The City Clerk shall certify to the passage and adoption hereof.

PASSED, APPROVED AND ADOPTED THIS 15th DAY OF MAY 2023.

James Gomez
Mayor

ATTEST:

Rhonda J. Barone, CMC
City Clerk

APPROVED AS TO FORM:

Richard D. Jones
City Attorney

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.
CITY OF LA HABRA }

I, Rhona J. Barone, CMC, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. ____ introduced and adopted at a Regular Meeting of the City Council of the City of La Habra held on the 15th day of May, 2023 by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Witness my hand and the official seal of the City of La Habra this 15th day of May, 2023.

Rhonda J. Barone, CMC
City Clerk