

RESOLUTION NO. 2023-285

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE ELK GROVE POLICE DEPARTMENT'S 2022 MILITARY EQUIPMENT REPORT AND LIST OF EQUIPMENT AND RENEWING ORDINANCE NO. 11-2022

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (AB 481), relating to the use of military equipment by law enforcement agencies; and

WHEREAS, AB 481, codified as Government Code sections 7070 through 7075, requires local law enforcement agencies to obtain approval from the applicable governing body prior to taking certain actions related to the funding, acquisition, and use of "military equipment" as defined in California Government Code section 7070, by adoption of an ordinance adopting a Military Equipment Use Policy at a regular meeting held pursuant to open meeting laws; 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 specific determinations; and

WHEREAS, the proposed Military Equipment Use Policy was first published on the Elk Grove Police Department's internet website on March 11, 2022, more than 30 days before the Military Equipment Use Policy was first considered at a public hearing before the City Council on April 13, 2022; and

WHEREAS, on April 27, 2022, the City Council adopted Ordinance No. 11-2022 adopting a military equipment use policy, approving the use of military equipment, and establishing reporting requirements for the funding, acquisition, and use of military equipment by the Elk Grove Police Department; and

WHEREAS, AB 481 requires an annual Military Equipment Report be presented to the City Council for each type of military equipment approved by the City Council; and

WHEREAS, the annual Military Equipment Report was made publicly available on the Elk Grove Police Department's website and a community engagement meeting was held within 30 days of submitting and publicly releasing the annual report; and

WHEREAS, the City Council has determined, based on the annual Military Equipment Report submitted pursuant to Government Code section 7072, that each type of military equipment identified in the report has complied with the standards set forth in AB 481.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the renewal of Ordinance No. 11-2022, and has determined that the type of military equipment identified in the Elk Grove Police Department's Annual Military Equipment Report for the year 2022 has complied with the following:

- 1) The military equipment 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 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; and
- 4) Prior military equipment use complied with the military equipment use policy that was in effect at the time.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of December 2023




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-285

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 13, 2023 by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Brewer, Robles, Spease, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Jason Lindgren, City Clerk
City of Elk Grove, California