

## RESOLUTION NO. 2024-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD (1) ACCEPTING THE 2023 MILITARY EQUIPMENT ANNUAL REPORT (REPORT), (2) DETERMINING THAT THE BRENTWOOD POLICE DEPARTMENT'S (BPD) USE OF MILITARY EQUIPMENT IN 2023 COMPLIED WITH BPD POLICY 708 AND APPLICABLE STATE LAWS, (3) DETERMINING THAT, BASED ON THE REPORT, EACH TYPE OF MILITARY EQUIPMENT IDENTIFIED IN THAT REPORT HAS COMPLIED WITH THE STANDARDS FOR APPROVAL SET FORTH IN APPLICABLE STATE LAWS, (4) RENEWING ORDINANCE NO. 1037, THEREBY DETERMINING THAT POLICY 708 SHALL BE CONTINUED WITHOUT CHANGE, AND (5) APPROVING THE BPD'S FUNDING, ACQUISITION, AND USE OF MILITARY EQUIPMENT TO PRESERVE LIFE AND ENHANCE THE SAFETY OF CITIZEN'S AND OFFICERS.**

**WHEREAS**, Assembly Bill 481 (AB 481), approved on September 30, 2021, by Governor Gavin Newsom (codified as Chapter 12.8 of the California Government Code and commencing with section 7070, *et seq.*), requires all California law enforcement agencies, including the Brentwood Police Department, to have a military equipment use policy approved by the agency's governing body prior to requesting, seeking funding for, acquiring, collaborating with other jurisdictions about the deployment of military equipment, or using military equipment; and

**WHEREAS**, on April 26, 2022, the City Council waived the first reading of Ordinance 1037, Brentwood Police Department Policy 708, Military Equipment, Acquisitions, and Use, as required by AB 481; and

**WHEREAS**, on May 10, 2022, the City Council waived the second reading of and adopted Ordinance 1037, Brentwood Police Department Policy 708, Military Equipment, Acquisitions, and Use, as required by AB 481; and

**WHEREAS**, on May 9, 2023, the City Council Adopted Resolution 2023-51 accepting the 2022 Military Equipment Annual Report; (2) determining that the Brentwood Police Department's use of Military Equipment in 2022 complied with the Department's funding, acquisition and use policy (BPD Policy 708 (Policy 708)) and applicable State Laws; (3) renewing Ordinance No. 1037, thereby determining that Policy 708 shall be continued without change; and

**WHEREAS**, Policy 708, Ordinance 1037, and Government Code section 7072 require the Police Department to do both of the following:

- a. Publish annually a military equipment report for the prior calendar year (1) summarizing the use of each type of military equipment approved by Policy 708, (2) summarizing any complaints or concerns received about

the military equipment, (3) providing the results of any internal audits and information about violations of Policy 708, and any actions taken in response, (4) providing the total annual cost for each type of approved military equipment and the source of funds for military equipment in the upcoming year, and (5) inventorying the quantity of each type of military equipment possessed and listing the quantity to be acquired in the upcoming year.

- b. Hold annually at least one well-publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the military equipment annual report; and

**WHEREAS**, the Police Department complied with both of these requirements:

- 1) On March 18, 2024, from 5:30-7:00 pm, the Department hosted a community engagement meeting at the Brentwood Community Center. The meeting was well-advertised and offered the opportunity for members of the public to receive information and ask questions regarding the Department's military equipment.
- 2) On April 2, 2024, the Police Department published its 2023 Military Equipment Annual Report to its website at: <https://www.brentwoodca.gov/government/police/military-equipment-policy-reports>; and

**WHEREAS**, the City Council must annually review Policy 708 and the Department's Military Equipment Annual Report and determine whether each type of military equipment identified in the report has complied with all of the standards set forth in Government Code section 7071; and

**WHEREAS**, at its meeting of April 23, 2024, the City Council did so review Policy 708 and the Department's Military Equipment Annual Report and determined that each type of military equipment identified in the report has complied with all of the standards set forth in Government Code Section 7071; and

**WHEREAS**, the Police Department has complied with all requirements of Policy 708 for the year 2023.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Brentwood does hereby:

- 1) Accept the 2023 Military Equipment Annual Report;
- 2) Determine that the Police Department's use of military equipment in 2023 complied with Policy 708 and applicable state laws;
- 3) Determine that, based on the 2023 Military Equipment Annual Report, each type of military equipment identified in that report has complied with the standards for approval set forth in applicable state laws, including Government Code section 7071(e);

- 4) Renew Ordinance No. 1037, thereby determining that Policy 708 should be continued without change; and
- 5) Approve the Department's funding, acquisition, and use of military equipment to preserve life and enhance the safety of citizens and officers.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 23rd day of April 2024 by the following vote: