

RESOLUTION 2025-###

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) ACCEPTING THE 2024 ANNUAL MILITARY EQUIPMENT REPORT; (2) DETERMINING THAT THE POLICE DEPARTMENT'S USE OF MILITARY EQUIPMENT IN 2024 COMPLIED WITH THE DEPARTMENT'S MILITARY EQUIPMENT FUNDING, ACQUISITION, AND USE POLICY 709 AND APPLICABLE STATE LAW; AND (3) DETERMINING THAT POLICY 709 WILL BE CONTINUED WITHOUT CHANGE

WHEREAS, improve public safety is one of the top City Council priorities and is listed as an adopted policy item under the FY 2023-25 City of San Pablo City Council Priority Workplan, effective May 1, 2023;

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 the San Pablo Police Department to have a military equipment use policy approved by the City Council prior to requesting, seeking funding, acquiring, collaborating with other jurisdictions about the deployment of military equipment, or using military equipment;

WHEREAS, on May 2, 2022, the City Council adopted Ordinance 2022-002 approving the Police Department's Policy 709: Military Equipment Funding, Acquisition, and Use;

WHEREAS, Policy 709 adheres to the requirements of California Government Section 7070 *et seq.* with respect to the funding, acquisition, and use of military equipment;

WHEREAS, Policy 709, Ordinance 2022-002, and Government Code Section 7072 require the City to publish annually a military equipment report for the prior calendar year (1) summarizing the use of each type of military equipment approved by Policy 709, (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 709, 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;

WHEREAS, in addition, Policy 709, Ordinance 2022-002, and Government Code Section 7072 require the Police Department to 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;

WHEREAS, under Government Code Section 7071(e)(1-2), annually the City Council must review Policy 709 and the military equipment annual report and determine whether each type of military equipment identified in the report has complied with all of the following standards: (1) The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; (2) Policy 709 will safeguard the public's welfare, safety, civil rights,

and civil liberties; (3) If purchasing the equipment identified in the Policy, 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 policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance;

WHEREAS, after reviewing the military equipment annual report, and Policy 709, under Government Code Section 7071(e)(1), the City Council must vote annually whether to continue Policy 709 without change or direct staff to return at a future City Council meeting with a proposed ordinance for the City Council's consideration to amend or repeal Policy 709 and Ordinance 2022-002;

WHEREAS, on January 6, 2025, the Police Department published its 2024 Annual Military Equipment Report to its website;

WHEREAS, on February 5, 2025, the Police Department presented the 2024 Annual Military Equipment Report to the City of San Pablo Public Safety Standing Committee, and notice of that meeting was publicized on the City's and Police Department's websites beginning January 6, 2025;

WHEREAS, at the February 5, 2025 Public Safety Standing Committee meeting, the Standing Committee (Councilmembers Pabon-Alvarado and Xavier) recommended that the City Council formally (1) consider the 2024 Annual Military Equipment Report, (2) determine that the Police Department's use of military equipment in 2024 complied with Policy 709 and applicable state law, and (3) determine that Policy 709 be continued without change;

WHEREAS, the Police Department retains and employs limited military equipment to safeguard the safety of the public and staff, and there are no tools or resources that are reasonable alternatives to achieve the same safety objectives than use of the military equipment listed in the Policy;

WHEREAS, Policy 709 safeguards the public's welfare, safety, civil rights, and civil liberties;

WHEREAS, the Police Department adheres to the City's purchasing policies when purchasing military equipment; and

WHEREAS, a December 2024 audit of the Police Department's use of military equipment in 2024 concluded that the use fully complied with Policy 709.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings;

BE IT FURTHER RESOLVED that the City Council of the City of San Pablo hereby accepts the 2024 Annual Military Equipment Report;

BE IT FURTHER RESOLVED that based on the 2024 Annual Military Equipment Report, Ordinance 2022-002, and Policy 709, the City Council determines as follows:

1. Each type of military equipment identified in Policy 709 is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
2. Policy 709 will safeguard the public's welfare, safety, civil rights, and civil liberties;
3. The equipment described in Policy 709 is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety; and
4. The Department's use of military equipment has complied with Policy 709.

BE IT FURTHER RESOLVED that the City Council hereby determines that San Pablo Police Department Policy 709: Military Equipment Funding, Acquisition, and Use, which was approved by City Council upon adoption of Ordinance 2022-002 on May 2, 2022, shall be continued without change.

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ADOPTED this 3rd day of March, 2025, by the following votes:

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

ATTEST: APPROVED:

Dorothy Gantt, City Clerk

Arturo Cruz, Mayor