

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-

Introduced by Council Member _____

ADOPT A RESOLUTION APPROVING THE HAYWARD POLICE DEPARTMENT'S ANNUAL MILITARY EQUIPMENT USE REPORT FOR APRIL 2023 THROUGH MARCH 2024 AND RENEWING ORDINANCE 22-06 ADOPTING MILITARY EQUIPMENT USE POLICY NO. 706 IN COMPLIANCE WITH ASSEMBLY BILL NO. 481

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

WHEREAS, AB 481, codified at Sections 7070 through 7075 of Chapter 12.8 of Division 7 of Title 1 of the California Government Code, requires law enforcement agencies to obtain approval of the applicable governing body, by adoption of a military equipment use policy, prior to taking certain actions relating to the funding, acquisition, or use of military equipment; and

WHEREAS, the term "military equipment" is defined in California Government Code Section 7070(c); and

WHEREAS, on July 5, 2022, the Hayward City Council passed Ordinance No. 22-06, adopting Military Equipment Use Policy No. 706, which was then posted to the City's website making it publicly available in compliance with AB 48. Both Ordinance No. 22-06 and Military Equipment Use Policy No. 706 and its Inventory List are attached as Attachments IV, V, and VI, respectively, to the Council Staff Report and incorporated herein; and

WHEREAS, AB 481 also requires public agencies with military equipment use policies to prepare an annual military equipment use report within one year of approval of the military equipment use policy and annually thereafter for as long as the "military equipment" is available for use; and

WHEREAS, the City prepared an Annual Military Equipment Use Report for the period of April 2023 through March 2024, attached as Attachment III to the Council Staff Report and incorporated herein; and

WHEREAS, the Annual Military Equipment Use Report for the period of April 2023 through March 2024, was submitted to the City Council and posted on the City's website on June 11, 2024. In addition, a community engagement meeting was held on May 29, 2024, wherein the public was invited to discuss and ask questions regarding the annual military equipment report and the Police Department's funding, acquisition, and/or use of "military equipment"; and

WHEREAS, AB 481 also requires the City Council to review its military equipment use policy annually and vote on whether to renew the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward, California, as follows:

1. The above recitals are true and correct and incorporated herein.
2. Based on the annual military equipment report submitted pursuant to Government Code Section 7072, the City Council finds that each type of military equipment identified in the report has complied with the standards of approval set forth in subdivision (d) of Section 7071, including:
 - A. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; and
 - B. The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties; and
 - C. The equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and
 - D. Prior military equipment use complied with the policies in effect at the time.
3. The Annual Military Equipment Use Report 2022-2023 is hereby approved, including the acquisition of additional equipment.
4. Consistent with Government Code Section 7071(e)(1), the City Council hereby ratifies and renews Ordinance No. 22-06.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2024

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward