



Legislation Details (With Text)

File #: ID 23-616 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 4/11/2023 **In control:** City Council

On agenda: 5/11/2023 **Final action:** 5/11/2023

Title: Approve the renewal of the Fresno Police Department Annual Military Equipment Use Report as originally required by Assembly Bill 481, codified under Government Codes § 7070-7075

Sponsors: Police Department

Indexes:

Code sections:

Attachments: 1. Military Equipment Annual Report

Date	Ver.	Action By	Action	Result
5/11/2023	1	City Council	APPROVED	Pass

REPORT TO THE CITY COUNCIL

FROM: PACO BALDERRAMA, Chief of Police
Police Department

BY: MINDY CASTO, Police Deputy Chief
Support Division

SUBJECT

Approve the renewal of the Fresno Police Department Annual Military Equipment Use Report as originally required by Assembly Bill 481, codified under Government Codes § 7070-7075

RECOMMENDATION

Staff recommends that the Council approve the renewal of the Fresno Police Department Annual Military Equipment Use Report. Approval of this Report would allow the Fresno Police Department to continue to utilize military equipment specified by Government Codes §§ 7070-7075 in accordance with the Fresno Municipal Code requirements.

EXECUTIVE SUMMARY

Assembly Bill 481 ("AB 481") was signed into law on September 30, 2021, taking effect on January 1, 2022, codified under Government Codes §§ 7070-7075. The enacted legislation specifically defines the types of equipment for which approval must be obtained and once adopted, mandates annual reporting to the governing body to ensure compliance. On May 12, 2022, the City of Fresno adopted Ordinance No. 2022-10 Adopting a Policy for the Use of Military Equipment by the Fresno Police Department to meet the requirements set forth in AB 481.

BACKGROUND

AB 481 established certain requirements that must be met before a law enforcement agency can

acquire or use military equipment. Government Codes § 7072(a) requires that a law enforcement agency submit an annual military equipment report to the governing body for each type of military equipment for as long as the military equipment is available for use.

To meet the requirements of AB 481, the Fresno Police Department drafted a comprehensive military equipment inventory and adopted an Ordinance that developed policies consistent with the intent of AB 481. To guide this process, the Fresno Police Department published the Draft Policy as well as an extensive and detailed equipment inventory of all categories of equipment defined within AB 481. In accordance with the provisions of AB 481, these documents were published 30 days prior to the introduction of the Ordinance to meet this mandate, as defined in Government Codes §§ 7070-7075.

To meet the requirements of Government Code § 7072(a), the Fresno Police Department has completed the Annual Military Equipment Use Report from January 1, 2022 to December 31, 2022. The annual military equipment report for each type of military equipment must be approved by the governing body within one year from the adoption of the Ordinance. Staff recommends that the Council approve the Annual Military Equipment Use Report for January 1, 2022 to December 31, 2022, in accordance with Government Code § 7072(a).

ENVIRONMENTAL FINDINGS

This is not a “project” for the purposes of CEQA, pursuant to CEQA Guidelines Section 15378.

LOCAL PREFERENCE

Local preference is not applicable because this Annual Report is not subject to a competitive bid process.

FISCAL IMPACT

There is no fiscal impact for this request as it is an approval of the annual report.

Attachment: Military Equipment Annual Report