

RESOLUTION 2023-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA ACCEPTING THE ANNUAL MILITARY EQUIPMENT REPORT BY THE POLICE CHIEF AND MAKING FINDINGS RELATED THERETO

WHEREAS, the City of Fortuna, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Assembly Bill 481 (“AB 481”), which among other things, provides certain requirements for the funding, acquisition, and use of military equipment by local law enforcement agencies; and

WHEREAS, AB 481 required that the City Council adopt, by ordinance, a military equipment policy that complies with the requirements of AB 481 and to make said policy publicly available; and

WHEREAS, pursuant to Ordinance No. 2022-753, which Ordinance is codified as Section 2.10.150 of the Fortuna Municipal Code, the City Council adopted a military equipment policy that complies with the requirements of AB 481; and

WHEREAS, pursuant to the City’s Military Equipment Use Ordinance, the Police Chief is required to annually prepare and submit to the City Council an Annual Military Equipment Report containing the information set forth in Government Code section 7072 and make the report publicly available on the City’s website; and

WHEREAS, on June 1, 2023, the Police Chief submitted his Annual Military Equipment Report and posted the same to the City’s website;

WHEREAS, on June 20, 2023, the Police Chief submitted his Annual Military Equipment Report to the City Council;

WHEREAS, the City’s Military Equipment Use Ordinance further requires that, within thirty (30) days of making the Annual Military Equipment Report publicly available, the Police Chief hold at least one well-publicized community engagement meeting on the report;

WHEREAS, the Police Chief held a well-publicized community engagement meeting as required by the Military Equipment Use Ordinance on July 7, 2023;

WEHEREAS, by way of this Resolution, the City Council desires to approve the Annual Military Equipment Report and make findings relating thereto, as set forth below.

NOW, THEREFORE, the City Council of the City of Fortuna does hereby resolve as follows:

1. The above recitals are hereby incorporated by this reference as findings of the City Council;
2. The Annual Military Equipment Report submitted to the City Council on June 20, 2023, a copy of which is attached to this Resolution as *Exhibit A*, is hereby approved;
3. The City Council makes the following findings, as required by Section 2.10.150(E)(4) of the Fortuna Municipal Code:
 - a. That the military equipment identified in the Annual Military Equipment Report complies with the standards for approval set forth in the Military Equipment Use Ordinance and the Military Equipment Policy (No. 709); and
 - b. The proposed amendments to the Military Equipment Policy (No. 709), as submitted in “draft” form by the Police Chief as part of the Annual Military Equipment Report, are hereby approved and shall be incorporated into the Military Equipment Policy (No. 709).
4. The Military Equipment Policy, as amended by this Resolution, is hereby approved and reauthorized.

PASSED and ADOPTED at a regular meeting of the City Council of the City of Fortuna, California, on this 7th day of August 2023 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Tami Trent, Mayor

ATTEST:

Siana Emmons, City Clerk

EXHIBIT A

[FOLLOWS THIS PAGE]