

ORDINANCE NO. 1115

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE CALIFORNIA
2 AMENDING CHAPTER 10 ("MILITARY EQUIPMENT POLICY") OF TITLE 9, SECTION
3 10.04.010 OF THE LA VERNE MUNICIPAL CODE GOVERNING THE USE OF MILITARY
4 EQUIPMENT BY THE DEPARTMENT AND APPROVING THE UPDATED MILITARY
5 EQUIPMENT POLICY 709

6 THE CITY COUNCIL OF THE CITY OF LA VERNE DOES HEREBY FIND AND
7 RESOLVE AS FOLLOWS:

8 WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law
9 Assembly Bill 481 ("AB 481"), adding Chapter 12.8, "Funding, Acquisition and Use of Military
10 Equipment", to Division 7 of Title 1 of the Government Code (sections 7070 – 7075), relating to
11 the use of military equipment by California law enforcement agencies.

12 WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for
13 meaningful public input on decisions regarding whether and how military equipment is funded,
14 acquired, or used.

15 WHEREAS, the La Verne Police Department is in possession of certain items of
16 equipment that qualify as "military equipment" under AB 481 and further intends to acquire other
17 items of military equipment.

18 WHEREAS, AB 481 requires, inter alia, that a law enforcement agency possessing and
19 using such qualifying equipment must prepare a publicly released, written, military equipment
20 use policy document covering the inventory, description, quantity, purpose, capabilities, use,
21 lifespan, acquisition, maintenance, authorized use, fiscal impacts, procedures, training,
22 oversight, and complaint process, applicable to the Department's use of such equipment.

23 WHEREAS, the policy must be approved by the City Council by ordinance, and reviewed
24 annually thereafter.

25 WHEREAS, on May 16, 2022, following a public hearing, the City Council adopted
26 Ordinance No. 1110 Adding Chapter 10 (Military Equipment Policy) to Title 9, Section 10.40.10
27 to the La Verne Municipal Code. Assembly Bill 481 requires the governing body to review and
28 approve an ordinance adopting the Military Equipment Use Policy annually at a regular meeting
29 held in accordance with the Brown Act.

WHEREAS, the military equipment inventoried and presented to the City Council is
necessary because there is no reasonable alternative that can achieve the same objective of
officer and civilian safety;

WHEREAS, the proposed updated Military Equipment Use Policy ("Policy"), Exhibit A,
will safeguard the public's health, welfare, safety, civil rights, and civil liberties.

WHEREAS, the equipment is reasonably cost effective compared to available
alternatives that can achieve the same objective of officer and civilian safety;

1 **WHEREAS**, prior military equipment use complied with the applicable equipment use
2 policy (which included equipment now defined as military equipment) that was in effect at the
3 time, or if prior uses did not comply with the accompanying military equipment use policy,
4 corrective action has been taken to remedy nonconforming uses and ensure future compliance;

5 **WHEREAS**, the Police Department has submitted the proposed Policy to the City
6 Council and thereafter has made those documents available on the Police Department's
7 website for at least 30 days prior to the public hearing concerning the military equipment at
8 issue.

9 **WHEREAS**, the Policy satisfies the requirements of Government Code Section 7070(d).

10 **WHEREAS**, the City Council of the City of La Verne, having received the information
11 required under AB 481 regarding the La Verne Police Department's use of military equipment as
12 defined in said law, deems it to be in the best interest of the City to and hereby does approve
13 the Military Equipment Policy; and

14 **WHEREAS**, all legal prerequisites prior to the adoption of this Ordinance have occurred.

15 **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LA VERNE HERBY
16 ORDAINS AS FOLLOWS:**

17 **Section 1:** Recitals. The City Council finds that all the recitals, facts, findings, and
18 conclusions set forth above in the preamble of this Ordinance are true and correct.

19 **Section 2:** Chapter 10 ("Military Equipment Policy") of Title 9, Section 10.04.010 of The
20 La Verne Municipal Code Governing the Use of Military Equipment by the Department is hereby
21 amended to read:

22 **Military Equipment Policy.**

23 (a) The Military Equipment Policy attached as Exhibit A shall govern the use of military
24 equipment by the La Verne Police Department.

25 (b) The Policy shall be made publicly available on the Police Department's website for as long
26 as the military equipment is available for use or as otherwise ordained by the City Council.

27 (c) The Police Department shall submit an annual military equipment report to the City Council
28 containing the information required by Government Code Section 7072 and the City Council
29 shall thereafter determine whether each type of military equipment identified therein complied
with the standards for approval set forth in Government Code Section 7071(d).

(d) The City Council shall on an annual basis and at a regular meeting thereof review this
ordinance and vote on whether to renew it pursuant to Government Code Section 7071(e)(2).

(e) The definitions set forth in Government Code section 7070 shall apply to this ordinance. Any
provision of state law referred to herein shall mean and include any amended or successor
provision thereof.

Section 3: Compliance with CEQA. Adoption of this Ordinance is exempt from the
California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) (General Rule) of
the CEQA Guidelines because it is not a "project" and because it can be seen with certainty that

1 there is no possibility that the passage of this Ordinance will have a significant effect on the
2 environment.

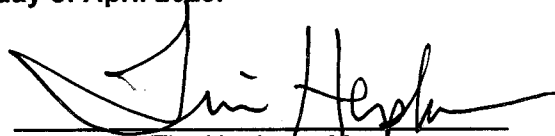
3 **Section 4: Inconsistencies.** Any provision of the La Verne Municipal Code or
4 appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such
5 inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect
6 the provisions of this Ordinance.

7 **Section 5: Severability.** If any chapter, article, section, subsection, subdivision,
8 sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any
9 person, is for any reason held to be invalid or unconstitutional by the decision of any court of
10 competent jurisdiction, such decision shall not affect the validity of the remaining portion of this
11 Ordinance or its application to other persons. The City Council hereby declares that it would
12 have adopted this Ordinance and each chapter, article, section, subsection, subdivision,
13 sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more
14 subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to
15 any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede
16 any local, state, or federal law, regulation, or codes dealing with life safety factors.

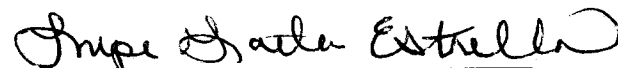
17 **Section 6: Effective Date.** This Ordinance shall become effective thirty (30) days from its
18 adoption.

19 **Section 7: Execution.** The Mayor shall sign and the Assistant City Clerk shall attest to
20 the passage of this Ordinance. The Assistant City Clerk shall cause the same to be published
21 once in the official newspaper within 15 days after its adoption.

22 **Approved and Adopted this 17TH day of April 2023.**

23 
24 _____
25 Tim Hepburn, Mayor


26 **ATTEST:**

27 
28 _____
29 Lupe Gaeta Estrella, Assistant City Clerk

CERTIFICATION

I, Lupe Estrella, Assistant City Clerk of the City of La Verne, do hereby certify that **Ordinance No. 1115** was introduced for first reading at a regular meeting on the 3rd day of April 2023. Thereafter, said Ordinance was duly approved and adopted at a regular meeting of said City Council on the 17th day of April 2023, by the following vote:

AYES: Kashifalghita, Johnson, Lau, Crosby, and Mayor Hepburn.
NOES: None.
ABSTAIN: None.
ABSENT None.


Lupe Gaeta Estrella, Assistant City Clerk

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City of La Verne, City Council Agenda Report

**Approved on 4/17/23 at the
regular meeting of the
La Verne City Council.**

DATE: April 17, 2023

TO: Honorable Mayor and City Council

FROM: Lupe Gaeta Estrella, Assistant City Clerk

**SUBJECT: ADOPTION OF ORDINANCE NO. 1115, ADDING CHAPTER 10
(MILITARY EQUIPMENT POLICY) TO TITLE 9 OF THE LA VERNE
MUNICIPAL CODE**

SUMMARY

Under Assembly Bill 481 (AB 481) the City Council is required to annually renew the Police Department's Military Equipment Use Policy and Inventory through adoption of an ordinance.

RECOMMENDATION

That the City Council approve a motion to waive further readings and Adopt Ordinance No. 1115, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE CALIFORNIA AMENDING CHAPTER 10 ("MILITARY EQUIPMENT POLICY") OF TITLE 9, SECTION 10.04.010 OF THE LA VERNE MUNICIPAL CODE GOVERNING THE USE OF MILITARY EQUIPMENT BY THE DEPARTMENT AND APPROVING THE UPDATED MILITARY EQUIPMENT POLICY 709."

DISCUSSION

On April 3, 2023, the City Council conducted a Public Hearing after proper public notice and posting for the AB 481 Annual Review of the Military Equipment Use Policy and Military Equipment Inventory List. The renewal ordinance, No. 1115, item was approved unanimously and is presented for adoption at this time.

FISCAL ANALYSIS

Not applicable.

ENVIRONMENTAL ANALYSIS

Not Applicable.

LEGAL REVIEW

The City Attorney has reviewed and approved the attached ordinance.

ATTACHMENTS

1. Ordinance No. 1115