

ORDINANCE NO.

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
DEL REY OAKS AMENDING DEL REY OAKS POLICE DEPARTMENT
POLICY 706 “MILITARY EQUIPMENT USE”**

RECITALS

1. AB 481, the Law Enforcement and State Agencies Military Equipment Funding, Acquisition, and Use Act (the “Act”), effective January 1, 2022, is intended to increase transparency, accountability, and oversight surrounding the acquisition and use of military equipment by state and local law enforcement; and

2. AB 481 requires law enforcement agencies seeking to continue the use of any military equipment to obtain approval from their governing bodies before purchasing, raising funds for, or acquiring military equipment, by any means, including surplus military equipment from the federal government.

3. Law enforcement agencies are also required to seek governing body approval before collaborating with another law enforcement agency in the deployment or use of military equipment within the governing body's territorial jurisdiction or before using any new military equipment for a purpose, in any manner, or by a person not previously approved by the governing body; and

4. The redlines on the attached Del Rey Oaks Police Department Policy 706 “MILITARY EQUIPMENT USE” are made to conform with the requirements of AB 481.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF DEL REY
OAKS DOES ORDAIN AS FOLLOWS:**

SECTION 1. RECITALS. The foregoing Recitals are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. AFFIRMATION AND ADOPTION. The Council hereby adopts Del Rey Oaks Police Department Policy 706 “MILITARY EQUIPMENT USE,” as amended and as attached hereto.

SECTION 3. CEQA. The activities described in this Ordinance are not a “project” as defined by California Environmental Quality Act because they are an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

SECTION 4. SEVERABILITY. If any provision, section, paragraph, sentence,

clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This Ordinance will become effective immediately as an urgency ordinance upon approval by the City Council consistent with Government Code Section 36937 (b) and substantiated by the declaration contained with Section 3.

INTRODUCED, APPROVED, AND ADOPTED by the City Council of the City of Del Rey Oaks, California, at its regular meeting held on the 25th day of, April, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Donaldson, Mayor _____

ATTEST:

John Guertin, City Clerk