

**ORDINANCE NO. 3347**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA ADOPTING A MILITARY EQUIPMENT POLICY PURSUANT TO GOVERNMENT CODE SECTION 7070 *ET SEQ.***

**WHEREAS**, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, codified at California Government Code sections 7070 through 7075 (“AB 481”), relating to the use of military equipment by law enforcement agencies; and

**WHEREAS**, AB 481 requires law enforcement agencies to obtain the approval of its governing body, by an ordinance adopting a military equipment use policy prior to requesting military equipment from the federal government, seeking funds for military equipment, including grants and donations, acquiring military equipment, collaborating with another law enforcement agency in the use of military equipment in the jurisdiction of the governing body, using any new or existing military equipment in a manner not previously approved by the governing body, or entering into an agreement for funding, receipt, acquisition, use of, or collaboration in the use of military equipment; and; and

**WHEREAS**, AB481 also requires that a law enforcement agency possessing and using military equipment prepare an annual military equipment report covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts procedures, training, oversight, and compliant process applicable to the law enforcement agency’s use of such equipment; and

**WHEREAS**, the Corona Police Department is in possession of certain items of equipment that qualify as “military equipment” under AB 481; and

**WHEREAS**, the Corona Police Department has prepared Policy 709 (Military Equipment) in accordance with the requirements of AB 481, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference (“Policy 709”); and

**WHEREAS**, An exhibit titled “Corona Police Department Specialized Equipment Inventory” is attached to Policy 709, which inventory lists the “military equipment” in possession of the City; and

**WHEREAS**, Policy 709 has been made available on the City’s website for at least 30 days prior to the adoption of this Ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby makes the following findings and determinations:

A. The military equipment identified in Policy 709 is necessary because there is no reasonable alternative that can achieve the same objectives of officer and civilian safety.

B. Policy 709 will safeguard the public's welfare, safety, civil rights, and civil liberties.

C. Any equipment proposed to be purchased pursuant to Policy 709 is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.

D. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the military use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

**SECTION 2. Adoption of Policy 709.** The City Council hereby adopts Policy 709 attached hereto as Exhibit "A" and incorporated herein by reference. Policy 709 shall be made publicly available on the City's website for as long as the military equipment is available for use.

**SECTION 3. Annual Report.** The Corona Police Department shall submit to the City Council an annual military equipment report containing the information required in Government Code Section 7072. The City Council shall review the annual military equipment report and shall determine whether it complies with the standards set forth in Section 1 of this Ordinance.

**SECTION 4. Community Engagement Meeting.** Within thirty (30) days of submitting and publicly releasing the annual military equipment report required by Section 3 of this Ordinance, the Corona Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the report and the Corona Police Department's funding, acquisition, or use of military equipment.

**SECTION 5. City Council Annual Review.** The City Council shall review this Ordinance and vote whether to renew it on an annual basis at a regular meeting of the City Council, in accordance with Government Code Section 7071(e)(2).

**SECTION 6. California Environmental Quality Act.** This Ordinance is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action simply adopts a policy governing the Corona Police Department's funding, acquisition and use of military equipment and there is no possibility that adopting this Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

**SECTION 7. Severability.** If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

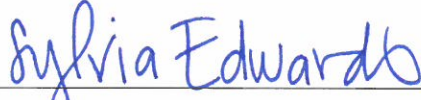
**SECTION 8. Conflicting Ordinances.** This Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

**SECTION 9. Effective Date.** The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published in the City of Corona. This Ordinance shall take effect and be in force 30 days after its adoption.

**PASSED, APPROVED, AND ADOPTED** this 1<sup>st</sup> day of June, 2022.

  
\_\_\_\_\_  
Mayor of the City of Corona, California

**ATTEST:**


  
\_\_\_\_\_  
City Clerk of the City of Corona, California

**CERTIFICATION**

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California duly held on the 18<sup>th</sup> of May 2022 and thereafter at an adjourned meeting held on the 1<sup>st</sup> of June 2022, it was duly passed and adopted by the following vote:

**AYES:           CASILLAS, DADDARIO, RICHINS, SPEAKE, STEINER**  
**NOES:           NONE**  
**ABSENT:        NONE**  
**ABSTAINED:    NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 1<sup>st</sup> of June 2022.

  
\_\_\_\_\_  
City Clerk of the City of Corona, California

(SEAL)