

DRAFT 4/17/23 AMA

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE REGARDING THE PRESENTATION OF  
THE ANNUAL PUBLIC SAFETY MILITARY EQUIPMENT  
USE REPORT AND RENEWAL OF MILITARY  
EQUIPMENT USE POLICY PURSUANT TO ASSEMBLY  
BILL NO. 481**

WHEREAS, the Legislature of the State of California adopted Government Code Section 7070 et seq. (the Military Equipment Use Statute) which required municipalities to seek prior authorization from its governing body for acquiring and using military equipment; and

WHEREAS, the Legislature of the State of California found that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern; and

WHEREAS, the Sunnyvale Department of Public Safety, having in its possession certain pieces of equipment classified by the Military Equipment Use Statute as military equipment, brought its policy before the Sunnyvale City Council, which was introduced on April 5, 2022, adopted on April 26, 2022 and modified on November 29, 2022; and

WHEREAS, pursuant to the Military Equipment Use Statute, the Department of Public Safety posted and maintained its policy on the City website, and publicly posted its annual report on its uses of military equipment on April 27, 2023, with a community meeting on the report scheduled for May 10, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

**SECTION 1. FINDINGS.** The City Council hereby finds and declares that the above recitals are true and correct. The City Council has engaged in its annual review of Lexipol Policy 705, Military Equipment and finds that it meets all the required elements outlined in AB 481. The City Council re-authorizes the previously approved equipment list. The City Council further authorizes the purchase of replacement items identified in the annual report. The City Council further finds that each type of military equipment has complied with the standards set forth in the policy.

**SECTION 2. MILITARY EQUIPMENT USE POLICY RENEWED.** The Military Equipment Use Policy is hereby renewed, including all exhibits and attachments thereto. The Director of Public Safety is authorized to execute and implement the Military Equipment Use Policy on behalf of the City of Sunnyvale.

**SECTION 3. CEQA—EXEMPTION.** The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this resolution is exempt from the

requirements of the California Environmental Quality Act (CEQA) in that it can be seen with certainty that there is no possibility that it may have an impact on the environment.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
DAVID CARNAHAN  
City Clerk  
(SEAL)

\_\_\_\_\_  
LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
JOHN A. NAGEL  
City Attorney