

RESOLUTION NO. 26-_____

A RESOLUTION OF THE CITY OF OCEANSIDE, RENEWING
THE OCEANSIDE POLICE DEPARTMENT'S MILITARY
EQUIPMENT USE POLICY

WHEREAS, on September 30, 2021, the Governor of the State of California signed into law Assembly Bill 481 ("AB 481"), adding Chapter 12.8, entitled "Funding, Acquisition, and Use of Military Equipment," to Division 7 of Title 1 of the California Government Code (Sections 7070 through 7075), which requires law enforcement agencies to obtain approval of their governing body, by ordinance adopting a military equipment use policy, at a regular meeting held pursuant to the Ralph M. Brown Act, prior to requesting, acquiring, or using military equipment as defined in Government Code Section 7070; and

WHEREAS, the City Council of the City of Oceanside ("City Council"), as the governing body of the Oceanside Police Department, adopted Ordinance No. 22-OR0319-1 on May 18, 2022, adding Section 25.8 to Chapter 25 of the Oceanside City Code, thereby establishing the City's Military Equipment Use Policy in compliance with AB 481; and

WHEREAS, Government Code Section 7071, subdivision (e)(1), requires the City Council to review the ordinance approving the funding, acquisition, or use of military equipment at least annually and vote on whether to renew the ordinance at a regular meeting, and subdivision (e)(2) requires the City Council to determine, based on the annual military equipment report submitted pursuant to Government Code Section 7072, whether each type of military equipment has complied with the standards for approval set forth in Government Code Section 7071, subdivision (d); and

WHEREAS, on September 22, 2024, the Governor signed into law Assembly Bill 2546 ("AB 2546"), effective January 1, 2025, amending Government Code Section 7070 to revise the definition of "military equipment" in category 13 to include all area denial electroshock devices and all long-range acoustic devices, acoustic hailing devices, and sound cannons, rather than only those bearing specific trade names; and

WHEREAS, the Oceanside Police Department has certain items of equipment that qualify as "military equipment" as defined in Government Code Section 7070, as amended, and has

1 prepared and submitted to the City Council the annual military equipment report for calendar
2 year 2025 containing the information required by Government Code Section 7072, and has made
3 the report publicly available on the Department's internet website; and

4 WHEREAS, the Military Equipment Use Policy and the annual military equipment report
5 were made available on the Oceanside Police Department's internet website at least 30 days prior
6 to this public hearing, in accordance with Government Code Section 7071, subdivision (b); and

7 WHEREAS, on June 17, 2026, the City Council conducted a duly noticed public hearing
8 at a regular meeting held pursuant to the Ralph M. Brown Act, at which members of the public
9 were afforded the opportunity to comment on the Military Equipment Use Policy and the annual
10 military equipment report; and

11 WHEREAS, upon review of the Military Equipment Use Policy and the annual military
12 equipment report, the City Council makes the following findings pursuant to Government Code
13 Section 7071, subdivision (d):

- 14 (a) The military equipment is necessary because there is no reasonable alternative that can
15 achieve the same objective of officer and civilian safety;
- 16 (b) The Military Equipment Use Policy will safeguard the public's welfare, safety, civil
17 rights, and civil liberties;
- 18 (c) The military equipment is reasonably cost effective compared to available alternatives
19 that can achieve the same objective of officer and civilian safety; and
- 20 (d) Prior military equipment use complied with the Military Equipment Use Policy that
21 was in effect at the time, or corrective action has been taken to remedy nonconforming
22 uses and ensure future compliance; and

23 WHEREAS, based on the foregoing findings, the City Council determines that each type
24 of military equipment identified in the annual military equipment report has complied with the
25 standards for approval set forth in Government Code Section 7071, subdivision (d).

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

1 **SECTION 1.** The above recitals are true and correct and are incorporated herein by this
2 reference as a substantive part of this Resolution.

3 **SECTION 2.** The City Council hereby finds, pursuant to Government Code Section 7071,
4 subdivision (d), that: (a) the military equipment is necessary because there is no reasonable
5 alternative that can achieve the same objective of officer and civilian safety; (b) the Military
6 Equipment Use Policy will safeguard the public’s welfare, safety, civil rights, and civil liberties;
7 (c) the military equipment is reasonably cost effective compared to available alternatives that can
8 achieve the same objective of officer and civilian safety; and (d) prior military equipment use
9 complied with the Military Equipment Use Policy that was in effect at the time, or corrective
10 action has been taken to remedy any nonconforming uses and ensure future compliance.

11 **SECTION 3.** The City Council hereby determines, pursuant to Government Code Section
12 7071, subdivision (e)(2), that each type of military equipment identified in the annual military
13 equipment report has complied with the standards for approval set forth in Government Code
14 Section 7071, subdivision (d).

15 **SECTION 4.** The City Council hereby approves the annual military equipment report for
16 calendar year 2025 as submitted by the Oceanside Police Department, affirming that it meets the
17 requirements of Government Code Section 7072.

18 **SECTION 5.** The City Council hereby renews Ordinance No. 22-OR0319-1, and the
19 Military Equipment Use Policy as set forth in Chapter 25, Section 25.8 of the Oceanside City
20 Code shall continue to be implemented, subject to the next annual review required by
21 Government Code Section 7071, subdivision (e).

22 **SECTION 6.** The Oceanside Police Department shall, within 30 days of the public release
23 of the annual military equipment report, hold at least one well-publicized and conveniently
24 located community engagement meeting, at which the Department shall discuss the report and
25 respond to public questions regarding the funding, acquisition, or use of military equipment, in
26 accordance with Government Code Section 7072.

27 **SECTION 7.** The City Clerk is hereby directed to ensure that this Resolution and the
28 approved Military Equipment Use Policy are made available to the public.

