

**RESOLUTION 12-02-2018**

**DIGEST**

Local Government: Prohibition on Acquisition of Federal Surplus Property Without Approval  
Amends Government Code section 54141 and adds section 54145 to prohibit a local agency from receiving surplus military equipment without an affirmative vote of the legislative body of the local agency.

**STATEMENT OF REASONS**

The Problem: Current law allows certain surplus military and other federal property and equipment to be acquired by local agencies in California without any requirement that the local agency hold a public hearing or notify the public of the type of equipment or property sought to be acquired by the agency or the use to which it will or may be put by the public agency, as there is no requirement for such public disclosure or public input in the federal law that allows distribution of surplus equipment to local agencies.

The Solution: The proposed legislation requires all federal surplus property acquisitions by a local agency in California be approved by the governing body of the local agency after a public hearing. This requirement gives citizens of the community the opportunity to express their views on the appropriateness for the community of the proposed acquisition.

**TEXT OF RESOLUTION**

**RESOLVED** that the Conference of California Bar Associations recommends that legislation be sponsored to amend Government Code section 54141 and to add section 54145 to read as follows:

1 § 54141

2 (a) “Local agency” means county, city, whether general law or chartered, city and county,  
3 town, school district, municipal corporation, ~~or public district.~~ district, political subdivision, or  
4 any board, commission, or agency thereof, or other local public agency.

5 (b) “United States” includes any department, board, or agency thereof.

6 (c) “State” includes any department or agency thereof.

7 (d) “Legislative body” means a legislative body as defined in Section 54952.

8

9 § 54145

10 (a) A local agency shall not receive surplus military equipment pursuant to Section 2576a  
11 of Title 10 of the United States Code unless the legislative body of the local agency approves the  
12 acquisition at a meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with  
13 Section 54950)).

14 (b) The Legislature finds and declares that this section constitutes a matter of statewide  
15 concern and shall apply to charter cities and charter counties. The provisions of this section shall  
16 supersede any inconsistent provisions in the charter of any city, county, or city and county.

(Proposed new language underlined; language to be deleted stricken)

**PROPONENT:** National Lawyers Guild, San Francisco Bay Area Chapter

**IMPACT STATEMENT**

This resolution does not affect any other law, statute or rule other than those expressly identified.

**CURRENT OR PRIOR RELATED LEGISLATION**

None known.

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