ORDINANCE NO. \_\_\_\_\_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA

AN ORDINANCE OF THE COUNTY OF LASSEN TO ADOPT MILITARY EQUIPMENT USE POLICY PURSUANT TO AB 481 (4/5 VOTE REQUIRED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

WHEREAS, Governor Newsom signed AB 481 (Cal. Gov’t Code 7070-7074) into law on September 30, 2021; and

WHEREAS, the legislative intent behind AB 481 is to increase public transparency by which California law enforcement agencies fund, acquire, and/or use military equipment, as defined under AB 481; and

WHEREAS, AB 481 requires California law enforcement to obtain approval of their applicable governing body, by adoption of a military equipment use policy, prior to taking certain actions related to the funding, acquisition, and/or use of military equipment; and

WHEREAS, AB 481 requires California law enforcement agencies that receive approval for a military equipment use policy to submit to the applicable governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter so long as the military equipment is available for use; and

WHEREAS, AB 481 requires the applicable governing body of the California law enforcement agency to annually review the military equipment use policy to either disapprove a renewal of the authorization of a type of military equipment or amend the military equipment use policy.

NOW, THEREFORE, THE LASSEN COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

Section 1.

The Board of Supervisors hereby finds that:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, civil liberties.The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
3. The military equipment use policy was not previously in effect, however, actions have been taken to remedy nonconforming uses, and ensure future compliance.
4. Pursuant to California Government Code section 7071, a public hearing will be held in January of 2023 and the Military Equipment Policy will be posted on Lassen County’s Website at least 30 days prior to the hearing.

Section 2.

The attached Policy 709 “Military Equipment”, and the attached Policy titled “Military Equipment Use Policy” shall be adopted as Lassen County Sheriff’s Office Policies.

Section 3:

Severability. If any provision of this Policy or the application thereof to any person or circumstance is held invalid, the remainder of this Policy, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Policy are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid, or unenforceable.

Section 4:

The proposed Ordinance is an urgency measure, which if adopted by four-fifths (4/5) vote, will become effective immediately. California Government Code section 25123(d) authorizes the Board to adopt an urgency ordinance “for the immediate preservation of the public peace, health, or safety.”

Section 5:

Pursuant to California Government Code section 25123(d), this Ordinance shall take effect and be in force immediately upon the passage hereof, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Modoc Record newspaper of general circulation printed and published in the County of Modoc.

Introduced at a regular meeting of the Board of Supervisors on the 13th day of December 2022, and passed and adopted by the Board of Supervisors of the County of Lassen, State of California, on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIRMAN OF THE BOARD OF SUPERVISORS

COUNTY OF LASSEN, STATE OF CALIFORNIA

ATTEST:

JULIE BUSTAMANTE

Clerk of the Board

I, Michele Yderraga, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the day of , 20\_\_\_\_.

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Deputy Clerk of the County of Lassen

Board of Supervisors