

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
ORDINANCE NO. _____

AN ORDINANCE ADDING ARTICLE XXIX TO CHAPTER 2 OF THE LAKE COUNTY
CODE ESTABLISHING A MILITARY EQUIPMENT USE POLICY

WHEREAS, approved by the Governor on September 30, 2021, California Assembly Bill Number 481 ("AB 481") requires law enforcement agencies to obtain approval from their respective local governing bodies before taking actions related to funding, acquisition, and/or use of military equipment, as defined by Government Code section 7070 (c), as that section may be amended from time to time; and

WHEREAS, AB 481, as codified in Government Code sections 7070 through 7075, requires that said approval by the local governing body must be accomplished by an ordinance adopting a military equipment use policy and that the adoption of said ordinance must occur at a regularly-scheduled meeting of that body pursuant to all applicable open-meeting requirements; and

WHEREAS, a local governing body may only approve the funding, acquisition, and/or use of military equipment within its jurisdiction if that body determines the military equipment use policy meets all legally-required standards; and

WHEREAS, the local governing body must review said ordinance at least annually to vote on whether to renew the ordinance, which must occur at a regularly-scheduled meeting of that body pursuant to all applicable open-meeting requirements; and

WHEREAS, AB 481 further requires that a law enforcement agency that receives approval for a military equipment use policy must submit to the local 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 for as long as the military equipment is available for use; and

WHEREAS, the local governing body must determine, based upon the above-described report from law enforcement, whether each type of military equipment identified in that report has complied with the standards required by Government Code section 7071(d) and, if a type of military equipment is not in compliance, either disapprove a renewal of the authorization for that type of military equipment identified in that report or amend the military equipment use policy.

NOW THEREFORE, the Board of Supervisors of the County of Lake ordains as follows:

Section One: The recitals hereinabove are true and correct and incorporated herein by reference.

Section Two: Lake County Code Article XXIX is hereby added to Chapter 2 of the Lake County Code to read as follows:

“Section. 2-205. Title.

This article shall be known as, and may be cited or referred to as the “Lake County Military Equipment Use Ordinance.”

Section. 2-206. Findings.

206.1. The Lake County Board of Supervisors finds and makes the following determinations in regard to the Military Equipment Use Policy of the Lake County Sheriff’s Office (the “Policy”) which is attached hereto and incorporated by reference herein:

- a. The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

- b. The Policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
- c. If purchasing the equipment, the military equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety;
- d. Prior military equipment use complied with the applicable equipment use policy (which includes equipment now defined as military equipment) that was in effect at the time, or, if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

206.2. The Lake County Sheriff's Office has submitted the Policy to the Board of Supervisors and made the Policy available on the Sheriff's website for at least thirty (30) days prior to the public hearing concerning the military equipment at issue.

206.3. The Policy was considered by this Board as an agenda item during a regularly-scheduled meeting of this Board in open session in accordance with all Brown Act requirements.

Section. 2-207. Determinations.

207.1. The Lake County Board of Supervisors finds that the Military Equipment Use Policy of the Lake County Sheriff's Office (the "Policy") meets the requirements of Government Code sections 7070, et.seq., and this Board hereby approves and adopts said Policy which is attached hereto and incorporated by reference herein.

207.2 The Lake County Sheriff's Office shall submit an annual military equipment use report to the Board of Supervisors containing the information required by Government Code section 7072, as that code section may be amended from time to time, and the

Board of Supervisors shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in section 2-206.1 hereinabove and Government Code section 7072.

207.3. If, in the course of the annual review of the report of the Sheriff's Office described in section 207.2 herein, the Board of Supervisors determines that a particular type(s) of military equipment identified in the report of the Sheriff's Office has not complied with the required standards for approval, the Board shall either disapprove a renewal of its authorization for that type of military equipment or require such modifications to the Policy as necessary to resolve that lack of compliance."

Section Three: The Board of Supervisors finds this ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act ("CEQA") Guidelines, because there is no potential for it to result in a physical change in the environment, either directly or indirectly. In the event this ordinance is found to be subject to CEQA, it is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, known as the "Common Sense" exemption, because it can be seen with certainty that there is no possibility of a significant effect on the environment.

Section Four: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section Five: This ordinance shall take effect on the ____ day of ____, 2022 and before the expiration of fifteen days after its passage, it shall be published at least once in a newspaper of general circulation printed and published in the County of Lake.

The Foregoing Ordinance was introduced before the Board of Supervisors on the _____ day of _____, 2022, and passed by the following vote on the ____ day of _____, 2022.

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

Chair, Board of Supervisors

ATTEST: SUSAN PARKER
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
ANITA L. GRANT
County Counsel

By: _____
Deputy

By: _____