ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA ADOPTING AMENDED MILITARY EQUIPMENT USE POLICY TO CHAPTER 2.155, TITLE II (ADMINISTRATION) OF THE YUBA COUNTY ORDINANCE CODE

The following ordinance consisting of four (4) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chair, Andy Vasquez

ATTEST: MARY PASILLAS
Clerk of the Board of Supervisors

By:_____

JOSEPH LARMOUR
YUBA COUNTY COUNSEL
APPROVED AS TO FORM:

By:_____

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THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA ORDAINS AS FOLLOWS:

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (creating Government Code Section 7070, et seq.), relating to the use of "military equipment" by California law enforcement agencies;

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how "military equipment" is funded, acquired, or used;

WHEREAS, the Yuba County Sheriff's Department is in possession of certain items of equipment that qualify as "military equipment" under AB 481;

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department's use of such equipment;

WHEREAS, the policy document and supporting information must be approved by the governing body by ordinance;

WHEREAS, on May 23, 2023, the Board of Supervisors of the County of Yuba, having received the information required under Government Code section 7070 through 7075 regarding the

Sheriff Department's use of military equipment as defined in said law, approved the Military Equipment Use Policy, Yuba County Sheriff's Office Policy 706, as amended.

WHEREAS, the Sheriff's Department now seeks to acquire a Mini Resistant Ambush Protected (MRAP) vehicle and amend the Military Equipment Use Policy, Yuba County Sheriff's Office Policy under 706.13, by adding subsection (b).

WHEREAS, the proposed amended military equipment use policy was made publicly available on the Sheriff Department's internet website for at least 30 days before the Board of Supervisors meeting on December 12, 2023;

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES FURTHER ORDAIN AS FOLLOWS:

Section 1. Effective

This ordinance shall take effect Thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for an against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. Determinations

In accordance with Government Code section 7071(d)(1), the Board of Supervisors makes the following determinations:

(A) The military equipment inventoried and presented to the Board of Supervisors is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

(B) The proposed Yuba County Sheriff's Office Policy 706 entitled Military Equipment Use ("Policy") as amended will safeguard the public's welfare, safety, civil rights, and civil liberties;

(C) The 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 included 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.

Section 3. Board Approves Ordinance and Adopts Policy as Amended

The Board approves and adopts the Yuba County Sheriff's Office Policy 706 entitled Military Equipment Use as amended and finds that the Policy satisfies the requirements of Government Code section 7070.

Section 4. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.