ORDINANCE NO. _____

REAFFIRMED CODIFED ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA REAFFIRMING CHAPTER 2.155 ADOPTING A MILITARY EQUIPMENT USE POLICY TO TITLE II (ADMINISTRATION) OF THE YUBA COUNTY ORDINANCE CODE

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, AB 481 requires the law enforcement agency submit to the governing body an annual military equipment report and make it publicly available on its website;

WHEREAS, the codified Ordinance, policy document, and military equipment annual report must be reviewed and renewed annually by the governing body;

WHEREAS, the Sheriff's Department submitted the policy and the military equipment annual report to the Board of Supervisors and made those documents available on the Sheriff Department's website for at least 30 days prior to the public hearing concerning the military equipment at issue; and

WHEREAS, on May 24th, 2022, 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.

WHEREAS, subsequent to the May 24th, 2022, approval of the Military Equipment Use Policy, the inventory attached to the Yuba County Sheriff's Office Policy 706 was amended.

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

Section 1. The renewal of the codified ordinance shall take effect thirty (30) days after approval, and before the expiration of fifteen (15) days after approval a summary shall be published with the names of the members voting for and 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, 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") including the attached inventory 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. Re-affirmance of Chapter 2.155 of the Yuba County Ordinance Code

Chapter 2.155 of the Yuba County Ordinance Code is hereby re-affirmed. The Board approves and adopts the Yuba County Sheriff's Office Policy 706 entitled Military Equipment Use and the attached inventory as amended and finds that the Policy satisfies the requirements of Government Code section 7070.

Section 4. Additional Purchases

When stocks of military equipment have reached significantly low levels or have been exhausted, the Sheriff's Office may order up to 10% of stock in a calendar year without Governing Body approval to maintain essential availability for the Sheriff's Office needs. Yuba County Sheriff's Office is authorized to acquire additional stock of items in the event of an emergency when approved by the Sheriff or designee. The Governing Body further determines that all military equipment previously approved as part of the Yuba County Sheriff's Office's 2024- 2025 annual budget, but which has not yet been acquired, is in compliance with this policy, and therefore authorizes and approves such acquisition. The Governing Body further determines that all military equipment which is approved as part of the Yuba County Sheriff's

Office's 2025- 2026 annual budget is in compliance with this policy, and therefore authorizes and approves such acquisition.

Section 5. **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.

The foregoing ordinance consisting of five (5) sections, was duly and regularly 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 _____,2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Jon Messick, Chair

ATTEST: MARY PASILLAS
Clerk of the Board of Supervisors

By:_____

JANET BENDER
YUBA COUNTY COUNSEL
APPROVED AS TO FORM:

By: _____

COUNTY OF YUBA
SUMMARY OF ADOPTED ORDINANCE NO. _____

The following is a summary of an adopted ordinance by the Board of Supervisors of the County of Yuba at a regular meeting held on _____:

The Ordinance affirms Chapter 2.155 Military Equipment Use Policy of the Yuba County Ordinance Code approving and adopting the Sheriff Department's Military Equipment Use Policy as amended in accordance with Government Code sections 7070-7075.

The complete copy of the text of the proposed ordinance may be reviewed in the Clerk of the Board of Supervisors Office of Yuba County. The ordinance was passed upon the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

/s/Mary Pasillas, Clerk of the Board of Supervisors

Legal Publication Date:
Account No.