



LASSEN COUNTY SHERIFF'S OFFICE

1415 Sheriff Cady Lane Susanville, CA 96130

Administration

Phone (530) 251-8013
Fax (530) 251-2884

Dispatch

Phone (530) 257-6121
Fax (530) 257-9363

Civil

Phone (530) 251-8014
Fax (530) 251-2884

Adult Detention Facility

Phone (530) 251-5245
Fax (530) 251-5243

John McGarva
Sheriff - Coroner

To: Lassen County Board of Supervisors

From: Mike Carney; Captain

Agenda Date: October 8th, 2024

Subject: Adopt ordinance in regards to Military Equipment Use Policy pursuant to AB481.

Discussion:

On January 1, 2022, AB 481 was signed into law adding Government Code sections 7070 et. Seq.. This law mandates the establishment of an Ordinance requiring law enforcement agencies to develop a policy, provide a list of equipment and obtain approval of their governing body, prior to requesting, seeking, or using "military equipment" either permanently or temporarily. The Ordinance must be approved annually by our governing body.

California Government Code Section 7072(b) requires law enforcement agencies to hold a community engagement meeting, open to the public, for the purpose of giving the opportunity for the general public to discuss and ask questions regarding the annual military equipment report, acquisition and use of military equipment, as well as an opportunity to view the equipment and learn about the uses of the equipment.

The Lassen County Sheriff's Office held a community engagement meeting on August 27th, 2024. The meeting was advertised on numerous social media platforms including but not limited to; The Lassen County Sheriff's Office Facebook page as well as the KJDX Facebook page. No members of the general public attended the meeting.

The equipment described in this policy is utilized on a regular basis to protect deputies, and members of the public on patrol and in the County Jail. The use of this equipment is critical to the preservation of public health and safety. All of the equipment listed in this policy has been commercially purchased by the Sheriff's Office for the last several decades, with the exception of the MRAP (Mine Resistant Ambush Protected) vehicle. The MRAP was acquired through the 10-33 program.

Fiscal Impact:

There is no additional funding required with this ordinance.

Recommendation:

1. Introduce, waive reading of, and adopt/enact ordinance (4/5 vote required); and/or
2. Provide direction to staff.

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA,
REGARDING ANNUAL REVIEW AND ADOPTION OF A MILITARY EQUIPMENT USE POLICY
PURSUANT TO AB 481

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, pursuant to California Government Code 7071 (e)(1), this Ordinance shall be reviewed by the Board of Supervisors at least annually, and based on an annual military equipment report that will be submitted to the Board of Supervisors pursuant to AB 481, the Board of Supervisors shall determine whether each type of military equipment identified in the report has complied with the standards of continued approval.

WHEREAS, pursuant to AB 481, the Lassen County Board of Supervisors adopted Ordinance No. 2023-10, an uncodified ordinance to adopt a Military Equipment Use Policy, at a regular meeting on December 12, 2023; and

WHEREAS, the Lassen County Sheriff's Office held a public community engagement meeting on August 27th, 2024, at 1415 Sheriff Cady Lane, Susanville, California, in conformance to AB 481.

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.
3. The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. The military equipment use policy was not previously in effect, however, actions have been taken to remedy nonconforming uses, and ensure future compliance.
5. As required by California Government Code Section 7072(b) the Lassen County Sheriff's Office held a conveniently located community engagement meeting, a public

meeting, on August 27th, 2024, at 1415 Sheriff Cady Lane, Susanville, California, for the purpose of which the general public could discuss and ask questions regarding the annual military equipment report and the Lassen County Sheriff Department's funding, acquisition and use of military equipment.

Section 2.

The attached Policy 709 "Military Equipment", and the attached Policy titled "Military Equipment Use Policy" is 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:

This Ordinance shall take effect thirty (30) days after the passage hereof, and before the expiration of fifteen (15) days after its passage, a copy shall be published once, with the names of the Supervisors voting for and against same in the Intermountain News of annual PDF subscription emailed and published for general circulation in the County of Shasta, State of California.

Introduced at a regular meeting of the Board of Supervisors on the 24th day of September 2024, 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____.

Deputy Clerk of the County of Lassen
Board of Supervisors