

ORDINANCE 1555**UNCODIFIED ORDINANCE TO ADOPT MILITARY EQUIPMENT USE
POLICY PURSUANT TO AB 481**

The Board of Supervisors of the County of Yolo ordains as follows:

SECTION 1. FINDINGS.

Governor Gavin Newsom signed AB 481 into law on September 30, 2021.

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

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

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.

The Yolo County Sheriff's Office does not possess any equipment that was purchased from the military but is choosing to interpret AB 481 broadly in the spirit of transparency.

The Yolo County Sheriff's Office has no intent to purchase any equipment from the military in the future.

The proposed military equipment use policy is found within the Yolo County Sheriff's Office Policy Manual as Policy 709 – Military Equipment.

The Yolo County Sheriff's Office Policy 709 was published and publicly available on the Yolo County Sheriff's Office website on April 1, 2022.

The "military equipment" identified in Yolo County Sheriff's Office Policy 709 is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

The Yolo County Sheriff's Office Policy 709 will safeguard the public's welfare, safety, civil rights, and civil liberties.

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SECTION 2. ADOPTION OF FINDINGS.

The foregoing recitals constitute facts and findings of Board and are hereby incorporated by this reference and made part of this Ordinance as though fully set forth herein.

SECTION 3. ADOPTING A MILITARY EQUIPMENT POLICY; ANNUAL REPORTS; NOTIFICATION.

The Yolo County Sheriff's Office Policy 709 attached hereto as an exhibit and incorporated by reference constitutes the Board approved military equipment policy of the Yolo County Sheriff's Office and is hereby adopted in its entirety pursuant to AB 481 and Section 7070, et seq., of the Government Code.

Annually, the Yolo County Sheriff's Office shall provide the Board of Supervisors a military equipment report, which shall include: a summary of how the military equipment was used and the purpose of its use, a summary of any complaints or concerns received concerning the military equipment, results of internal audits concerning the military equipment, total annual cost of each type of military equipment, the quantity possessed of each type of military equipment, and intentions to acquire additional military equipment in the next year.

The Sheriff's Office shall notify the Board of Supervisors in writing at least 30 days prior to revising the list of qualifying equipment in the military equipment policy to add any of the following:

- (1) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this category.
- (2) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this category.
- (3) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (4) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (5) Weaponized aircraft, vessels, or vehicles of any kind.

The Board of Supervisors may, in its sole discretion, consider the Sheriff's Office's proposed addition of one or more of the foregoing types of equipment at a regular or special Board meeting. Nothing in this section is intended to provide the Board of Supervisors with authority over the Sheriff's performance of his discretionary duties in a manner that conflicts with the state constitution or applicable statutes.

SECTION 4. SEVERABILITY.

If any provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board that such invalid provision(s) be severed from the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

Introduced at a Board of Supervisors regular meeting held on October 25, 2022, and subsequently approved following a second reading on November 8, 2022, by the following vote:

AYES: Villegas, Saylor, Provenza, Barajas.

NOES: None.

ABSENT: Sandy.

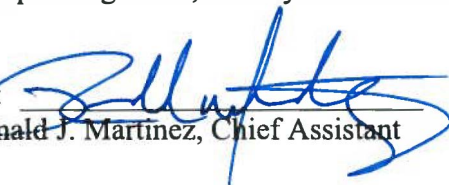
ABSTAIN: None.


Angel Barajas, Chair
Yolo County Board of Supervisors

Attest: Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

Approved as to Form:
Philip J. Pogledich, County Counsel

By: 
Deputy (Seal)


By: 
Ronald J. Martinez, Chief Assistant