

ORDINANCE NO. 2022-29

AN ORDINANCE ADOPTING AND APPROVING A MILITARY EQUIPMENT USE POLICY FOR
THE CONTRA COSTA COUNTY SHERIFF'S OFFICE PURSUANT TO ASSEMBLY BILL 481

The Contra Costa County Board of Supervisors ordains as follows:

Section 1. Purpose and Recitals.

- A. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, effective January 1, 2022, relating to the use of qualifying military equipment, as defined, by law enforcement agencies;
- B. Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the governing body, by an ordinance adopting a military equipment use policy, at a regular public meeting, before taking certain actions relating to the funding, acquisition, or use of military equipment. The term "military equipment" is defined in Government Code section 7070;
- C. Assembly Bill 481 allows the governing body of a county to approve the funding, acquisition, or use of military equipment within its jurisdiction if it makes certain determinations; and
- D. The proposed military equipment use policy, titled "Government Code § 7070 Defined Equipment," is located in the Contra Costa County Office of the Sheriff Policy and Procedures Manual as Policy No. 1.07.30 ("Policy").

Section 2. Findings and Adoption of Policy.

- (a) The Contra Costa Office of the Sheriff published the Policy on its website for at least 30 days prior to the public meeting concerning the military equipment at issue.
- (b) 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.
- (c) The Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (d) Purchased equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (e) Prior military equipment use complied with the applicable equipment use policy 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.
- (f) The Policy was considered by the Board of Supervisors as an agenda item in an open session of a regular meeting, noticed in accordance with the Ralph M. Brown Act.
- (g) Pursuant to Assembly Bill 481 and Government Code sections 7070-7075, the Board of Supervisors approves the use of and hereby adopts the Policy, and finds that it satisfies the requirements of Government Code section 7070(d).

- (h) The Policy shall be publicly available on the Sheriff's Office website for as long as the military equipment is available for use.

Section 3. Reports.

Within one year of approval of the Policy, and annually thereafter as long as the military equipment is available for use, the Sheriff's Office shall submit a military equipment report to the Board of Supervisors, containing the information required in Government Code section 7072.

Section 4. Annual Review and Meeting.

The Board of Supervisors shall review this ordinance, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code section 7071(e)(1)-(2).

Section 5. 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 of Supervisors that such invalid provision(s) be severed from the remaining provisions of this ordinance.

Section 6. Effective Date.

This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED ON 08-02-2022 by the following vote:

AYES: John Gioia, Candace Andersen, Diane Burgis, Karen Mitchoff, Federal Glover

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: July 26 2022

MONICA NINO, Clerk of the Board of Supervisors and
County Administrator


Karen Mitchoff Board Chair
By: June McHuen, Deputy Clerk