

ORDINANCE NO. 3476

**AN ORDINANCE APPROVING AND ADOPTING A MILITARY EQUIPMENT
USE POLICY FOR THE SHERIFF'S OFFICE PURSUANT TO GOVERNMENT
CODE SECTION 7071**

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

Section 1. Chapter 7.50, entitled "Military Equipment Use," is added to Title 7 of the County Code, as follows:

7.50.010 -- Authority.

This ordinance is adopted pursuant to Assembly Bill 481, signed into law by Governor Gavin Newsom and effective January 1, 2022 (codified at Chapter 12.8 to Division 7 of Title 1 of the Government Code, commencing with section 7070), relating to the use of military equipment by California law enforcement agencies.

7.50.020 – Purpose.

To establish a funding, use and acquisition policy that is developed with consideration of the public's concerns about safety, civil rights, and the public's welfare pursuant to Government Code section 7070 et seq.

7.50.030 – Findings.

The Board of Supervisors approves and adopts the Sheriff's "Military Equipment Use Policy" (attached hereto and designated as Policy 707 of the San Luis Obispo Sheriff's Office Policy Manual, hereafter referred to as "the policy") based on the following findings:

(1) The military equipment inventoried and presented in the San Luis Obispo Sheriff's Office Military Equipment Report, which has been published on the Sheriff's website, is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

(2) The proposed policy will safeguard the public's welfare, safety, civil rights, and civil liberties;

(3) The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any);

(4) Prior military equipment use by the Sheriff's Office complied with the applicable equipment use policy (which included equipment now defined as "military equipment" in Government Code section 7070) 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;

(5) The policy satisfies the requirements of Government Code Section 7070, subdivision (d).

7.50.040 – Posting on Sheriff’s Website.

The policy has been made available on the Sheriff’s Office website for at least 30 days prior to the adoption of this ordinance wherein the military equipment at issue was considered, and the policy shall hereafter be made publicly available on the Sheriff’s Office website for as long as the military equipment is available for use.

7.50.050 – Annual Report.

The Sheriff’s Office shall submit an annual military equipment report to the Board of Supervisors, containing the information required in Government Code Section 7072, and the Board of Supervisors shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in section 7.50.030 (a)(1)-(4) above.

7.50.060 – Annual Review of Ordinance.

The Board of Supervisors will 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, subdivision (e)(2).

7.50.070 – Policy Approved at Open Meeting.

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, at which public comment was permitted and this ordinance adopted.

Section 2. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or 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 that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 3. EFFECTIVE DATE. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 23rd day of August, 2022, and passed and adopted by the Board of Supervisors of the County of

San Luis Obispo, State of California, on the 13th day of September, 2022, by the following roll call vote, to wit:

AYES: Supervisors John Peschong, Dawn Ortiz-Legg, Debbie Arnold and Chairperson Bruce S. Gibson

NOES: None

ABSENT: Supervisor Lynn Compton

/s/ Bruce Gibson

Chairperson of the Board of Supervisors
of the County of San Luis Obispo, State
of California

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of
Supervisors, County of San Luis
Obispo, State of California

By: /s/ Niki Martin
Deputy Clerk