

Ordinance No. 10777

AN ORDINANCE ADDING A NEW SECTION 449 TO ARTICLE XXV OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES FOR APPROVAL OF SHERIFF'S MILITARY EQUIPMENT USE POLICY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that Sheriff currently possesses and uses certain equipment defined as military equipment by AB 481, and may acquire such equipment in the future. AB 481 requires that a military equipment use policy be approved by the Board in order for such equipment to be requested, acquired, or deployed by a law enforcement agency.

Section 2. Add a new Section 449 of Article XXV of the San Diego County Code of Administrative Ordinances to read as follows:

SEC. 449. Military Equipment Use Policy

(a) Pursuant to Government Code section 7071, the Board approves Sheriff's AB-481 Military Equipment Use Policy, reviewed by the Board and located on Sheriff's public website.

(b) The Board determines that:

(1) The equipment listed in the Sheriff's military equipment use policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

(2) The Sheriff's military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;

(3) Purchase of the equipment listed in the Sheriff's military equipment use policy will be reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and

(4) Sheriff has taken action to remedy any nonconforming uses and ensure that any future use of military equipment will comply with the military equipment use policy.

(b) The Board approves the following actions by the Sheriff with respect to the equipment listed in the Sheriff's military equipment use policy, subject to any applicable local, State, or federal regulations:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code;

ATTACHMENT B

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers;

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing;

(4) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body;

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing Board pursuant to this chapter;

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment; or

(7) Acquiring military equipment through any means not provided by this Government Code section 7071.

(c) Sheriff shall submit an annual military equipment report as required by Government Code section 7072, as may be amended. The report shall be reviewed by the Board as required by Government Code section 7071, as may be amended.

(d) The policy approved by this section may only be amended by action of the Board.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY

Claudia G. Silva, County Counsel

BY: Mark Day, Senior Deputy County Counsel