


ORDINANCE NO. 5160

**AN ORDINANCE ADOPTING A
MILITARY EQUIPMENT USE POLICY**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO ORDAINS AS
FOLLOWS:**

SECTION 1. Findings.

The Board finds:

- A. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment 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 applicable governing body, by an ordinance adopting a “military equipment use policy,” at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term “military equipment” is defined in California Government Code section 7070, subdivision (c).
- C. Assembly Bill 481 allows the governing body of a county to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations.
- D. The El Dorado County Sheriff’s Office has prepared a military equipment use policy in accordance with the terms of Assembly Bill 481, which it has added to its policy manual as El Dorado County Sheriff’s Office Policy Section 709.
- E. El Dorado County Sheriff’s Office Policy Section 709 was published on the El Dorado County Sheriff’s Office internet website on March 17, 2022.
- F. The El Dorado County Sheriff’s Office Policy Section 709 meets the requirements of California Government Code section 7070, subdivision (d).

SECTION 2. Determinations.

Based on the findings above, in addition to information provided to the Board at the public meeting, the Board determines as follows:

1. The military equipment identified in El Dorado County Sheriff's Office Policy Section 709 is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
2. El Dorado County Sheriff's Office Policy Section 709 will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. The military equipment identified in El Dorado County Sheriff's Office Policy Section 709 is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Prior military equipment use complied with the military 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.

Based on the preceding determinations, the Board hereby approves and adopts the military equipment use policy known as El Dorado County Sheriff's Office Policy Section 709.

SECTION 3. Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 19th day of April, 2022, by the following vote of said Board:

Ayes: Parlin, Thomas, Hidahl, Novasel, Turnboo

ATTEST:
KIM DAWSON
Clerk of the Board of Supervisors

Noes: None
Absent: None

By: Kyra Schaffg
Deputy Clerk

Lori Parlin
Lori Parlin, Chair, Board of Supervisors

APPROVED AS TO FORM

Stephen S. Maxwell fac
David A. Livingston
COUNTY COUNSEL