



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

UNCODIFIED URGENCY ORDINANCE REPLEALING AND REPLACING UNCODIFIED URGENCY ORDINANCE NO. 2508 ADOPTING MILITARY EQUIPMENT USE POLICY PURSUANT TO AB 481 (4/5THS VOTE REQUIRED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA,
ORDAINS AS FOLLOWS:

WHEREAS, Governor Gavin Newsom signed AB 481 (Cal. Gov't. Code § 7070 et. seq.) into law on September 30, 2021; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, AB 481 requires the applicable governing body of the California law enforcement agency to annually review the military equipment use policy to either disapprove a renewal of the authorization of a type of military equipment or amend the military equipment use policy; and

WHEREAS, AB 481 requires the applicable governing body of the California law enforcement agency to 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)(2).

SECTION I:

The Board of Supervisors hereby finds that:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use 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.

4. The military equipment use policy was not previously in effect, however, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Pursuant to California Government Code section 7071, a public hearing was held and the attached Military Equipment Policy Manual was posted on the Nevada County's website at least thirty (30) days prior to that date.

SECTION II:

The attached Policy 706 and equipment list, titled "Military Equipment", shall be added to the Nevada County Sheriff's Office Policies and Procedures Manual as "Military Equipment".

SECTION III:

Severability. If any provision of this Policy or the application thereof to any person or circumstance is held invalid, the remainder of this Policy, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Policy are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION III:

The proposed Ordinance is an urgency measure, which if adopted by four-fifths (4/5) vote, will become effective immediately. California Government Code section 25123(d) authorizes the Board to adopt an urgency ordinance "for the immediate preservation of the public peace, health, or safety."

SECTION IV:

Pursuant to California Government Code section 25123(d), this Ordinance shall take effect and be in force immediately up on the passage hereof, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in The Union newspaper of general circulation printed and published in the County of Nevada.