

ORDINANCE NO. 2017

AN ORDINANCE ADOPTING A MILITARY EQUIPMENT USE POLICY

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

SECTION 1: Findings:

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.

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 proposed Military Equipment Use Policy is found within Merced County Sheriff's Office Policy No. 710, set forth in Exhibit "A".

E. Merced County Sheriff's Office Policy No. 710 was published on the Merced County Sheriff's Office internet website on February 17, 2022. Merced County Sheriff's Office Policy No. 710 was presented to the Merced County Board of Supervisors on April 26, 2022.

F. Merced County Sheriff's Office Policy No. 710 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 of Supervisors at the public meeting, the Board of Supervisors determines as follows:

1. The military equipment identified in Merced County Sheriff's Office Policy No. 710 is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

2. Merced County Sheriff's Office Policy No. 710 will safeguard the public's welfare, safety, civil rights, and civil liberties.

3. The military equipment identified in Merced County Sheriff's Office Policy No. 710 is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

4. Merced County Sheriff's Office Policy No. 710 set forth in Exhibit "A" is approved and adopted.

SECTION 3. Validity: If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the remainder of this ordinance. The Board of Supervisors hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause, word or phrase thereof, irrespective of the fact that one or more section, subsection, sentence, clause, word, or phrase be declared invalid or unconstitutional.

SECTION 4. Enactment: This ordinance shall become effective and be in full force on and after thirty (30) days of its passage and adoption, and prior to the expiration of fifteen (15) days from the passage and adoption thereof, shall be published in a newspaper of general circulation printed and published in the County of Merced, State of California, together with the names of the members of the Board of Supervisors of the County of Merced, voting for or against the same.

The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Merced, State of California, at a regular meeting thereof held on the 26th day of April, 2022 by the following vote:

SUPERVISORS:

AYES: Lloyd Pareira, Jr., Rodrigo Espinoza, Josh Pedrozo, Daron McDaniel,
Scott Silveira

NOES: None

ABSENT: None



Lloyd Pareira, Jr., Chairman
Merced County Board of Supervisors

Attest:

Raul Lomeli Mendez
Clerk of the Board of Supervisors of the
County of Merced, State of California

By: 

Deputy

