

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN UNCODIFIED ORDINANCE ADOPTING AND APPROVING A MILITARY
EQUIPMENT USE POLICY FOR THE SAN MATEO COUNTY SHERIFF'S OFFICE**

SECTION 1. RECITALS AND FINDINGS

The Board of Supervisors of the County of San Mateo (the "Board") hereby makes the following findings in support of the adoption of this Ordinance (the "Ordinance").

WHEREAS, On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the San Mateo County Sheriff's Office does not possess any equipment that was purchased from the military, but is interpreting AB 481 broadly in the spirit of transparency; and

WHEREAS, the proposed military equipment use policy is found within San Mateo

County Sheriff's Office Policy Manual as Policy 705 – Military Equipment Use Policy; and

WHEREAS, San Mateo County Sheriff's Office Policy 705 was published on the San Mateo County Sheriff's Office internet website on March 17, 2022; and

WHEREAS, the military equipment identified in San Mateo County Sheriff's Office Policy 705 and detailed in the accompanying and attached 2022 annual report (collectively, "Policy 705") is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety for the reasons provided in the memorandum accompanying this ordinance; and

WHEREAS, Policy 705 will safeguard the public's welfare, safety, civil rights, and civil liberties for the reasons provided in the memorandum accompanying this ordinance; and

WHEREAS, although there is no intent to purchase additional equipment at this time, Policy 705 reflects tools that are reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety for the reasons provided in the memorandum accompanying this ordinance; and

WHEREAS, the prior "military equipment" use complied with the policies that were in effect at the time as evidenced by the memorandum accompanying this ordinance;

NOW, THEREFORE, the Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

SECTION 2 ADOPTION OF FINDINGS. The foregoing recitals constitute facts and findings of the Board and are hereby incorporated by this reference and made part of this Ordinance as though fully set forth herein.

SECTION 3 ADOPTING AND APPROVING A MILITARY EQUIPMENT USE POLICY. The Military Equipment Use Policy and accompanying 2022 Annual Military Equipment Report attached hereto as an exhibit and incorporated by reference constitutes the Board approved Military Equipment Use Policy of the San Mateo County Sheriff's Office and is hereby adopted in its entirety pursuant to AB 481 and Sections 7070, et seq., of the Government Code.

SECTION 4 SEVERABILITY.

If any provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board that such invalid provision(s) be severed from the remaining provisions of this Ordinance.

SECTION 5 EFFECTIVE DATE. This Ordinance shall take effect 30 days from adoption

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