

**BOARD OF SUPERVISORS
COUNTY OF SIERRA
STATE OF CALIFORNIA
ORDINANCE 2022-__**

**ORDINANCE OF THE SIERRA COUNTY BOARD OF SUPERVISORS APPROVING
THE MILITARY EQUIPMENT USE POLICY FOR THE COUNTY OF SIERRA**

WHEREAS, Section 7071 of the California Government Code requires approval of any military equipment use policy established by local law enforcement prior to the use, acquisition or funding of military equipment; and

WHEREAS, the Sierra County Sheriff's Office has prepared and presented for approval, Policy 707 which will, if approved, govern the use, acquisition and funding of military equipment within the Sheriff's Office; and

WHEREAS, the Board of Supervisors finds that the use of military equipment by law enforcement is necessary in Sierra County due to the terrain, weather and long distances covered by a small agency and that the proposed policy, Policy 707, will safeguard the public's welfare, safety, civil rights and civil liberties.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA DO ORDAINS AS FOLLOWS:

Section I: The above stated recitals and findings are true and correct.

Section II: Sierra County Sheriff's Office Policy 707, Military Equipment, is approved and attached to this ordinance as Exhibit A. Such policy is incorporated as if fully stated herein.

Section III: Policy 707 fully complies with California Government Code sections 7070-7071 and the Sheriff's Office shall prepare and timely submit all reports required by California Government Code section 7072 to the Board of Supervisors.

Section IV: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Mountain Messenger, a newspaper of general circulation published in the County of Sierra State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 18th day of October, 2022, and passed and enacted this ____ day of _____, ____ by the Board of Supervisors of the County of Sierra by motion, second (/), and the roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

PAUL ROEN
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID A. PRENTICE
COUNTY COUNSEL

Military Equipment

707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Agency.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Sierra County Sheriff's Office

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707.2 POLICY

It is the policy of the Sierra County Sheriff's Office that members of this agency comply with the provisions of Government Code § 7071 with respect to military equipment.

707.3 MILITARY EQUIPMENT COORDINATOR

The Sheriff should designate a member of this agency to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying agency equipment that qualifies as military equipment in the current possession of the Agency, or the equipment the Agency intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Sierra County Sheriff's Office (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the agency's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the agency website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Agency will respond in a timely manner.

707.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Agency:

- (10) M16A-2 5.56 Caliber Rifles - NSN# 1005000739421
- (10) Aimpoint Rifle Sights - NSN# 1240014111265
- (02) Unmanned, remotely piloted, powered aerial vehicles
- (01) Non-armored Humvee Vehicle.

707.5 APPROVAL

The Sheriff or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the agency website at least 30 days prior to any public ~~hearing concerning the military equipment at issue (Government Code § 7071). The military~~

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equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) 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.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this agency.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) 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.
- (g) Acquiring military equipment through any means not provided above.

The Sheriff or the authorized designee shall obtain approval from the elected or appointed body that oversees the Agency prior to taking possession of any military equipment listed in 707.1.1 of this policy.

707.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

707.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Sheriff or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Sheriff or the authorized designee should also make each annual military equipment report publicly available on the agency website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in agency inventory.

707.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Agency should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.