

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA
REINSTATING PREVIOUSLY SUSPENDED PORTIONS OF ORDINANCE NO. 5310
RELATING TO POINT-OF-USE AND POINT-OF-ENTRY WATER TREATMENT
SYSTEMS**

County Counsel Summary

This ordinance reinstates previously suspended portions of Ordinance No. 5310. On June 18, 2019, the Monterey County Board of Supervisors adopted Ordinance No. 5310 authorizing point-of-use (POU) and point-of-entry (POE) treatment of water to meet primary drinking water standards under certain circumstances. On August 27, 2019, the Board of Supervisors adopted a subsequent ordinance that suspended, until December 11, 2019, Sections 3 and 6 and a portion of Section 5 of Ordinance No. 5310 relating to utilization of POU or POE treatment by local small and state small water systems, individual lot owners within local small and state small water systems, and individual lots on private wells. On December 10, 2019, Ordinance No. 5322 further extended the suspension until further action of the Board of Supervisors. This ordinance reinstates the previously suspended portions of Ordinance No. 5310.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Purpose.

A. On June 18, 2019, the Board of Supervisors (“Board”) adopted Ordinance No. 5310. The County Counsel summary of the ordinance describes the ordinance as follows:

This ordinance amends sections of Chapter 15.04 of the Monterey County Code and adds a new Chapter 15.06 to the Monterey County Code to authorize and regulate point-of-use (POU) and point-of-entry (POE) water treatment by local small, state small, and small public water systems that would otherwise not meet primary drinking water standards. The ordinance requires an amendment to the water system permit to allow these water systems to utilize POU or POE treatment. For water systems of 15 to 199 service connections, the ordinance updates Chapter 15.04 to allow POU or POE treatment under certain circumstances in accordance with recently adopted state standards. This ordinance also establishes standards for domestic water systems with two to fourteen water connections to utilize POU and POE treatment as a means of compliance with primary water quality standards. The ordinance requires the water system to renew annually the authorization to use a POU or POE treatment, and if grant funding becomes available, renewal is contingent on the water system pursuing funding for long term solutions such as but not limited to centralized water treatment, a new well, or consolidation. The ordinance also

provides that if an individual property owner is seeking new construction on an existing legal lot with water that does not meet primary water quality standards, the owner may install POU or POE treatment as a means of satisfying water quality standards necessary for a construction permit for development. This ordinance applies in the unincorporated area of the County of Monterey.

B. Ordinance No. 5310 took effect on the thirty-first day following adoption, and per Board order, the Board directed County staff to return to the Board for review of the ordinance 12 months after adoption. Ordinance No. 5310 is incorporated herein by this reference.

C. On July 26, 2019, litigation was served on the County challenging the validity of Ordinance No. 5310 on a variety of grounds including the California Environmental Quality Act (“CEQA”).

D. On August 27, 2019, the Board adopted Ordinance No. 5316 which suspended the operation of Sections 3 and 6 and a portion of Section 5 of Ordinance No. 5310 until December 11, 2019. The suspended sections pertain to utilization of POU or POE treatment by local small water systems, state small water systems, individual lot owners within local small water systems and state small water systems, and individual lots on private wells (“Suspended Sections”). More particularly, the Suspended Sections include:

- Section 3: Amends Section 15.04.070(c) of the Monterey County Code to read: “An amendment to the local small or state small water system operating permit is required to allow a POU or POE treatment program that conforms to the requirements of Chapter 15.06 of the Monterey County Code. The amendment must be renewed annually by the water system. If opportunities for grant funding resources to support long term water treatment solutions become available, the water system shall demonstrate that it is pursuing such funding in order to be eligible for renewal.”
- Section 5: Amends Section 15.04.146 of the Monterey County Code to add subsection (1) of subsection (c): “In lieu of a centralized treatment facility, a local small or state small water system may choose to install a POU or POE treatment device at each connection in conformance with the regulations specified in Chapter 15.06 of the Monterey County Code, as may be amended from time to time, subject to approval by the Director.”
- Section 6: Adds Chapter 15.06 to the Monterey County Code to authorize and regulate POU and POE water treatment by local, small, state small, and small public water systems that would otherwise not meet primary drinking water standards.

E. On December 10, 2019, the Board adopted Ordinance No. 5322 which extended the suspension of the operation of Sections 3 and 6 and a portion of Section 5 of Ordinance No. 5310 until further action of the Board.

F. Pursuant to Section 15164 of the CEQA Guidelines, Monterey County has prepared an Addendum to the 2010 Monterey County General Plan Environmental Impact Report (2010 General Plan EIR; SCH# 2007121001) for the consideration of adoption of the Suspended Sections. The Addendum analyzed environmental impacts associated with adoption of and buildout under Suspended Sections, including the growth-inducing potential of the

Suspended Sections. The Addendum shows that the adoption of the Suspended Sections could indirectly result in minimum development across the unincorporated County, and that this development was already anticipated and analyzed in the build out analysis provided in the General Plan EIR. Adoption of the Suspended Sections does not involve approval of site-specific projects, nor changes in the currently adopted General Plan land uses or certified Local Coastal Program land uses. Therefore, the adoption of the Suspended Sections would continue to fall within the impact analysis in the County's 2010 General Plan EIR certified in October 2010. Future development associated with the adoption of the Suspended Sections would be subject to applicable development standards and reviews under County plans, policies, and regulations. Also, future development involving discretionary review would be subject to CEQA. This ordinance will not result in significant impacts or increase in severity of significant impacts beyond those addressed or analyzed in the 2010 General Plan EIR, nor does this ordinance present new information that shows new significant impacts or more severe impacts than those described in the General Plan EIR. Therefore, none of the conditions described in Section 15162 of the CEQA Guidelines have occurred, and no additional environmental assessment is required. This ordinance is within the scope of the existing certified EIR, an addendum to the existing EIR is appropriate, and no new environmental document, such as a new EIR, is required.

G. County staff consulted with California Coastal Commission staff and while the ordinance would apply in both the coastal and non-coastal zones, Coastal Commission staff confirmed the ordinance does not need to be a part of the County's certified Local Coastal Program ("LCP") and therefore does not need certification by the Coastal Commission. Importantly, any limited future development in the coastal zone associated with this ordinance would be subject to the LCP.

SECTION 2. The following Sections of Ordinance No. 5310 are hereby reinstated:

A. Section 3 and Section 6 of Ordinance No. 5310 are reinstated and shall become operative upon the effective date of this ordinance; and

B. That portion of Section 5 of Ordinance No. 5310 which amends Section 15.04.146 of the Monterey County Code to add subsection (1) of subsection (c) of Section 15.04.146 is reinstated and shall become operative upon the effective date of this ordinance.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mary Adams, Chair
Monterey County Board of Supervisors

A T T E S T:

Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM BY:

Kelly L. Donlon
Assistant County Counsel

Military Equipment

705.1 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).

705.1.1 DEFINITIONS

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

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

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.

Military Equipment

705.2 POLICY

It is the policy of the Monterey County District Attorney's Office Bureau of Investigations that members of this bureau comply with the provisions of Government Code § 7071 with respect to military equipment.

705.3 MILITARY EQUIPMENT COORDINATOR

The Chief Investigator should designate a member of this bureau 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 bureau equipment that qualifies as military equipment in the current possession of the Bureau, or the equipment the Bureau 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 Monterey County District Attorney's Office Bureau of Investigations (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 bureau's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief Investigator and ensuring that the report is made available on the bureau 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 Bureau will respond in a timely manner.

705.4 MILITARY EQUIPMENT INVENTORY

1. The following constitutes a list of qualifying equipment for the Bureau: Colt M4 Carbine Caliber 5.56 with 11.5-inch barrel, Serial No. LE515092
2. Colt M4 Carbine Caliber 5.56 with 11.5-inch barrel, Serial No. LE515103
3. Drone - Skydio2-e7kv Serial No. S2.0F.B.00E7KV
4. Drone - DJI WM330A Serial No. 07DDD3T0A10549

Military Equipment

705.5 APPROVAL

The Chief Investigator 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 Chief Investigator or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the bureau website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071).

The military 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 bureau.
- (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.

705.6 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.

705.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief Investigator 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 Chief Investigator or the authorized designee should also make each annual military equipment report publicly available on the bureau 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 bureau inventory.

Military Equipment

705.8 COMMUNITY ENGAGEMENT

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