



Legislation Details (With Board Report)

File #: 22-756 **Name:** Military Equipment Ordinance
Type: General Agenda Item **Status:** Passed
File created: 8/5/2022 **In control:** Board of Supervisors
On agenda: 8/23/2022 **Final action:** 8/23/2022
Title: a. Introduce, waive first reading, and set September 13, 2022 at 10:30 a.m. as the date and time to consider adoption of an ordinance approving a military equipment use policy for the District Attorney's Office pursuant to Assembly Bill 481.
b. Provide direction to staff as appropriate.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. DA MilitaryEquip_Ordinance wAttachment (INCORRECT ORD ATTACHED), 3. DA MilitaryEquip_Ordinance w Attachment (CORRECT ORD W/ATTACHMENT), 4. Presentation Item No.pdf, 5. Completed Board Order Item No. 21

Date	Ver.	Action By	Action	Result
8/23/2022	2	Board of Supervisors	approved	Pass

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b. Provide direction to staff as appropriate.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Introduce, waive first reading, and set September 13, 2022 at 10:30 a.m. as the date and time to consider adoption of an ordinance approving a military equipment use policy for the District Attorney's Office pursuant to Assembly Bill 481.
b. Provide direction to staff as appropriate.

SUMMARY:

On September 30, 2021, Governor Newsom signed into law Assembly Bill 481. AB 481 addresses the funding, acquisition, and use of items lawmakers deemed to be considered "military equipment." This bill requires law enforcement agencies, including the District Attorney's Office, "to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined." The attached ordinance establishes a military equipment use policy by adding the attached "Military Equipment" policy to the Monterey County District Attorney's Office Investigation Bureau Policy Manual.

DISCUSSION:

AB 481 requires each law enforcement agency's governing body to adopt a written military equipment use policy by ordinance in a public meeting, in order to continue the use of previously acquired military equipment. The District Attorney's Office Draft Military Equipment Policy is attached here and is posted on the District

Attorney's website.

The AB 481 defined list of military equipment currently in the District Attorney Investigation Bureau's possession is included in the draft Military Equipment Policy. Also, in compliance with AB 481, and as a longstanding practice, the District Attorney's Office has processes in place for the public to submit commendations, questions, concerns and complaints online or in person.

Also in compliance with AB 481, the District Attorney's Office will prepare an Annual Report to include the use of military equipment, any complaints received, any internal audits or other information about violations of its policy, the cost of such use and other similar information. The first Annual Report will be distributed around August or September of 2023.

OTHER AGENCY INVOLVEMENT:

Not applicable.

FINANCING:

The cost of any military equipment is allocated with the District Attorney's budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Susan K. Blich, Chief Assistant County Counsel, Ext. 5045

Attachments:

Draft Ordinance

Draft Policy