

Uncodified Ordinance No. _____

AN UNCODIFIED ORDINANCE OF THE COUNTY OF ORANGE
APPROVING THE SHERIFF'S AND DISTRICT ATTORNEY'S
MILITARY EQUIPMENT USE POLICIES AND
REPEALING UNCODIFIED ORDINANCE NO. 25-013

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

SECTION 1. The Board of Supervisors finds and determines that the Sheriff's Department and the District Attorney's Office currently possess and use certain equipment defined as military equipment by Assembly Bill 481 and may acquire such equipment in the future. Assembly Bill 481, as codified in Government Code sections 7070 through 7075, requires that a military equipment use policy be approved by the Board in order for such equipment to be requested, acquired or deployed by a County of Orange law enforcement agency.

SECTION 2. Military Equipment Use by the Sheriff's Department and District Attorney's Office

- (a) Pursuant to Government Code section 7071, the Board approves and adopts the Sheriff's and the District Attorney's military equipment use policies, attached hereto as Exhibits A and B, and incorporated herein by reference, and located on the Sheriff's and District Attorney's public websites.
- (b) The Board determines that:
 - (1) The equipment listed in the Sheriff's and District Attorney's military equipment use policies is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
 - (2) The Sheriff's and District Attorney's military equipment use policies will safeguard the public's welfare, safety, civil rights, and civil liberties;
 - (3) Purchase of the equipment listed in the Sheriff's and District Attorney's military equipment use policies will be reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and
 - (4) The Sheriff and District Attorney have taken action to remedy any nonconforming use and ensure that any future use of military equipment will comply with their military equipment use policies.
- (c) The Board approves the following actions by the Sheriff and the District Attorney with respect to the equipment listed in their military equipment use policies, subject to any applicable local, State or federal regulations:

- (1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code;
 - (2) 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;
 - (3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing;
 - (4) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body;
 - (5) 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; or
 - (6) Acquiring military equipment through any means not provided by Government Code section 7071.
- (d) The Sheriff and District Attorney will seek Board approval prior to using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the Board.
- (e) The Sheriff and District Attorney will submit an annual military equipment report as required by Government Code section 7072. The report will be reviewed by the Board as required by Government Code section 7071.
- (f) The military equipment use policies approved herein may only be amended by action of the Board.

SECTION 3. Uncodified Ordinance No. 25-013 is hereby repealed.

SECTION 4. This Ordinance shall take effect and be in full force thirty (30) days from and after its passage, and before the expiration of fifteen (15) days after the passage thereof shall be published once in an adjudicated newspaper in the County of Orange. The Sheriff's Policy 711 (Military Equipment) and Equipment Inventory, Exhibit A hereto, and the District Attorney's Policy 704 (Military Equipment) and Equipment Inventory, Exhibit B hereto, need not be published in their entirety because a complete copy of each exhibit is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in accordance with the California Public Records Act, Division 10 (commencing with Section 7920.000) of Title 1.

**EXHIBIT A TO UNCODIFIED ORDINANCE
(SHERIFF'S MILITARY EQUIPMENT
POLICY 711 AND EQUIPMENT INVENTORY)**

**EXHIBIT B TO UNCODIFIED ORDINANCE
(DISTRICT ATTORNEY'S MILITARY
EQUIPMENT POLICY 704 AND EQUIPMENT
INVENTORY)**