

RESOLUTION NO. 2023-07

**RESOLUTION OF THE VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES ADOPTING A “MILITARY EQUIPMENT POLICY” IN
COMPLIANCE WITH ASSEMBLY BILL 481**

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (creating Government Code section 7070, et seq.), relating to the use of military equipment by California law enforcement agencies;

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used;

WHEREAS, the Ventura County Community College District Police Department is in possession of certain items of equipment that qualify as “military equipment” under AB 481;

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department’s use of such equipment.

WHEREAS, pursuant to Government Code section 7071(a)(2), if seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, the Ventura County Community College District Police Department is obligated to commence a Board of Trustees approval process for a Military Equipment Policy; and

WHEREAS, as further required by Government Code section 7071(a)(2), if the Board of Trustees does not approve the continuing use of military equipment, including by adoption pursuant to a Military Equipment Policy, within 180 days of submission of the proposed Military Equipment Policy to the Board of Trustees, the Ventura County Community College District Police Department shall cease its use of the military equipment until it receives the approval of the Board of Trustees in accordance with this Resolution; and

WHEREAS, Government Code section 7071(b) requires that the Ventura County Community College District Police Department post to its website the Military Equipment Policy that it plans to propose to the Board of Trustees, at least 30 days prior to any public hearing concerning the policy; and

WHEREAS, on May 12, 2023, the Ventura County Community College District Police Department posted its draft Military Equipment Policy to the District website, thereby complying with the 30-day posting requirement prior to a public hearing before the Board of Trustees on June 13, 2023; and

WHEREAS, the Military Equipment Policy and supporting information must be approved by the governing body by Resolution and reviewed annually; and

WHEREAS, the Board of Trustees of the Ventura County Community College District having received the information required under AB 481 regarding the Ventura County Community College District Police Department's use of military equipment as defined in said law, deem it to be in the best interest of the District to approve the Military Equipment Policy as set forth herein.

NOW THEREFORE, be it resolved by the Board of Trustees of the Ventura County Community College District as follows:

- 1: (a) The Board of Trustees has made the following determinations:
 - (1) The military equipment inventoried and presented to the Board of Trustees is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
 - (2) The proposed military equipment use policy ("Policy") will safeguard the public's welfare, safety, civil rights, and civil liberties;
 - (3) The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any); and
 - (4) Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
- (b) The Police Department has submitted a proposed Policy to the Board of Trustees and has made those documents available on the District's website for at least 30 days prior to the public hearing concerning the military equipment at issue.
- (c) The Policy was considered by the Board of Trustees as an agenda item in an open session of a regular meeting, noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.
- (d) The Policy shall be made publicly available on the District's website for as long as the military equipment is available for use.
- (e) The Police Department shall submit an annual military equipment report to the Board of Trustees containing the information required in Government Code section 7072, and the Board of Trustees shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in (a)(1)-(4) above.

- (f) The Board of Trustees shall review this resolution, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code section 7071(e)(2).
- (g) The Board of Trustees approves the use of the Policy, and finds that it satisfies the requirements of Government Code section 7070(d).

2: If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Resolution which can be given effect without the invalid provisions or application, and to this end the provisions of this Resolution are declared to be severable.

3: The Chancellor or designee is authorized to take such actions and execute and file such documentation necessary to affect the intent of this Resolution.

**ADOPTED BY THE BOARD OF TRUSTEES OF THE VENTURA COUNTY
COMMUNITY COLLEGE DISTRICT ON THIS 13th DAY OF JUNE, 2023 AT
CAMARILLO, CALIFORNIA.**

AYES: 6

NOES: 0

ABSTAIN:

ABSENT:

By:


Bernardo M. Perez, Chair, Board of Trustees

Attest:


Rick MacLennan, Secretary of the Board