

RESOLUTION No. 2206211
A RESOLUTION OF THE GOVERNING BOARD OF THE WEST VALLEY-MISSION COMMUNITY
COLLEGE DISTRICT
Approval of entitled “Military Equipment Policy” in compliance with Assembly Bill 481

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed a series of eight (8) policing reform legislation including AB 481 which created Government Code Section 7070, et seq., 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 District Police Department is in possession of certain items 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 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, the District Police Department’s Policy and supporting information must be approved by the governing body by resolution, and reviewed annually; and

WHEREAS, the Board, having received the information required under AB 481 regarding the District Police Department’s use of military equipment as defined in said law, deems it to be in the best interest of the district to approve the Military Equipment Policy as set forth herein.

WHEREAS, the Board also recognizes that other California law enforcement agencies may be requested or required to act in the performance of their duties within the territorial jurisdiction of this governing body; and

WHEREAS, the Board authorizes those law enforcement agencies who have complied with the requirements of AB 481, to use all military equipment that has been authorized for their use by their governing body.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees has made the following determinations:

1. The military equipment inventoried, requested, and presented by the District Police Department to the Board, 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 (Lexipol Policy 709) will safeguard the public's welfare, safety, civil rights, and civil liberties;
3. The equipment is reasonably cost effective compared to the alternatives that can achieve the same objective of officer and civilian safety (if any);
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 use did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
 - a) The District Police Department has submitted a proposed Policy to the Board and has made those documents available on the Police Department's website for at least 30 days prior to the public hearing concerning the military equipment at issue.
 - b) The Policy was considered by the Board as an agency item in an open session of a regular meeting, noticed in accordance with Ralph M. Brown Act, at which public comment was permitted.
 - c) The Policy shall be made publicly available on the District Police Department's website for as long as the military equipment is available for use.
 - d) The District Police Department shall submit an annual military equipment report to the Board, containing the information required in Government Code Section 7072, and the Board shall determine whether each type of military equipment identified in the report has complied with the standards for approval set for in 1-4 above.
 - e) The Board 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).
 - f) The Board approve the use of the Policy and finds that it satisfies the requirements of Government Code Section 7070(d).

PASSED AND ADOPTED BY THE Board of Trustees of the West Valley-Mission Community College District of Santa Clara County, California, this 21st day of June 2022, by the following vote:

AYES: 6
NOES: 0
ABSENT: 1
ABSTENTIONS: 0

I, Bradley J. Davis, Secretary to the Board of Trustees of the West Valley-Mission Community College District of Santa Clara County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board at a meeting thereof held at its regular meeting on the date shown above and by the vote above stated, which resolution is on file in the office of said Board.

DocuSigned by:
Anne Kepner
Signed: _____
Anne Kepner, Board President, WVMCCD

Dated: 6/22/2022

DocuSigned by:
Bradley Davis
Signed: _____
Bradley J. Davis, Chancellor, Board Secretary

Dated: 6/22/2022