

ORDINANCE NO. 5212

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA RE-ADOPTING ORDINANCE NO. 5157 TO APPROVE AND AMEND THE SANTA BARBARA COUNTY SHERIFF'S OFFICE MILITARY EQUIPMENT USE POLICY

WHEREAS, Assembly Bill 481 requires a law enforcement agency to obtain approval of the applicable governing body, by adoption of a military equipment use policy, 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;

WHEREAS, Government Code §7070(c) defines "military equipment," many of which are long-standing law enforcement tools that are used to protect both deputies and community members alike;

WHEREAS, the governing body may approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards pursuant to Government Code §7071(d)(1); and

WHEREAS, continued use of military equipment annually requires the governing body to determine whether to renew the ordinance approving the military equipment use policy.

The Board of Supervisors of the County of Santa Barbara ordains as follows:

Section 1. Military Equipment Use Policy Approval.

The Board of Supervisors, as the governing body, hereby re-adopts Ordinance No. 5157 to approve the military equipment use policy and the updated inventory list attached here as Attachment "A" based on the following:

A. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

B. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

C. To the extent any military equipment is to be purchased, the military equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

D. Prior use of the military equipment complied with the military equipment use policy that was in effect at the time.

Section 2. Definitions.

For purposes of this Ordinance, the following definitions shall apply:

A. "Governing Body" shall mean the elected entity that oversees the Santa Barbara County Sheriff's Office.

B. "Military Equipment" shall mean the equipment defined by Government Code section 7070, subsections (c)(1) through (c)(16).

Section 3. Severability.

If any provision of this Ordinance is held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have adopted this Ordinance regardless of the invalidity of any particular portion.

Section 4. Effective Date.

This Ordinance shall take effect thirty days after its adoption. The Clerk of the Board shall certify the adoption of this Ordinance and before the expiration of fifteen days after its passage a summary of the Ordinance shall be published once together with the names of the members of the Board of Supervisors voting for and against the Ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED on this 14th day of May, 2024,
by the following vote:

AYES: Supervisors Williams, Capps, Hartmann, Nelson and Lavagnino

NOES: None


ABSTAIN: None

ABSENT: None

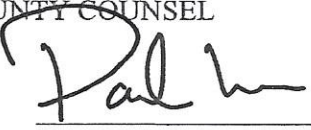


Steve Lavagnino, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: 
Deputy

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

By: 
Deputy County Counsel