



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Sheriff
Department No.: 032
For Agenda Of: August 30, 2016
Placement: Departmental
Estimated Time: 45 minutes
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Sheriff - Bill Brown
Contact Info: Commander Craig Bonner ext. 6161
SUBJECT: Contract to Provide Enhanced Law Enforcement Services with the Santa Ynez Band of Chumash Indians

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

- a) Approve and authorize the Chair to execute a contract for enhanced public safety services with the Santa Ynez Band of Chumash Indians for a five year term effective August 30, 2016, and
- b) Determine the action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061 (b) (3).

Summary Text:

The Sheriff proposes that the County enter into a contract with the Santa Ynez Band of Chumash Indians to provide enhanced public safety services within the Santa Ynez Valley, in order to help mitigate potential public safety impacts that could arise as a result of the Santa Ynez Band of Chumash Indians' expanded conditional license from the California Department of Alcoholic Beverage Control (ABC). The Santa Ynez Band of Chumash Indians' expanded ABC license allows the service and consumption of alcoholic beverages in significant areas of the Chumash Casino Hotel and Resort where alcohol was not previously allowed to be sold and consumed. Both Sheriff Bill Brown and Third District Supervisor Doreen Farr previously expressed concerns about the potential for negative public safety impacts upon the surrounding Santa Ynez Valley due to the proposed ABC license expansion. Both Sheriff Brown and Supervisor Farr requested that the Santa Ynez Band of Chumash Indians take steps to mitigate these impacts. The Santa Ynez Band of Chumash Indians worked with the Sheriff's Office and Third District Supervisor Doreen Farr's Office to generate this impact mitigation proposal.

The impact mitigation proposal consists of the contractual provision of enhanced public safety services. The contract includes the provision of one (1) Deputy Sheriff Full Time Equivalent (FTE) and one (1) Deputy Sheriff Special Duty FTE. The enhanced public safety services will include a variety of duties with the intent of mitigating the effects of the Tribe's expanded ABC license including but not limited to uniformed patrol to address potential impacts of additional alcohol consumption at the Chumash Casino, community resource and crime prevention efforts, and alcoholic beverage server education, and other duties as assigned by the Sheriff. designed to mitigate the impacts of the ABC license expansion and to foster a mutually beneficial relationship between tribal members, law enforcement and the community at large. The contract provides the ability for the contract FTE personnel to temporarily divert from their duties on an as needed basis, to support and back-up other law enforcement officers and meet the immediate public safety needs of the Santa Ynez Valley community, as directed by the Sheriff or his/her designee.

The mitigation program will also include the initial purchase and annual operating cost for two (2) fully outfitted and marked Sheriff's patrol vehicles, one for each of the two contract FTE positions. It will also include the initial purchase of all individually-issued law enforcement equipment necessary for each of the two FTE positions.

This contract is different from the contractual agreements the County has with incorporated cities in that it is not intended to be an all-inclusive agreement for law enforcement services. Services such as traffic accident investigation, detectives, administrative support, etc. are not included. This contract is designed to help mitigate potential public safety problems (examples: public intoxication, and intoxicated drivers) through the provision of enhanced law enforcement services by the County of Santa Barbara Sheriff's Office.

Background:

The Santa Ynez Band of Chumash Indians is a federally recognized Chumash tribe. They occupy the Santa Ynez Reservation located in Santa Barbara County, near Santa Ynez, California. The Santa Ynez Reservation was established on December 27, 1901, under authority of the act of January 12, 1891. The residents of the Santa Ynez Reservation are members of the Santa Ynez Band of Chumash Indians. According to the Santa Ynez Band of Chumash Indians, there are 249 residents on the Santa Ynez Reservation and 97 homes. Santa Ynez Band of Chumash Indians own and operate the Chumash Casino Resort, located on the Chumash Reservation. The Chumash Casino Resort consists of a 375 room hotel, full-service casino, multiple restaurants and a large live entertainment venue. The Chumash Casino Resort receives approximately 6,000 patrons per day and employs more than 1,600 employees.

The Santa Ynez Band of Chumash Indians recently applied for a conditional license (47-552161) from the State of California Alcoholic Beverage Control (ABC), which allows the expansion of alcoholic beverage service and consumption beyond the Willows Restaurant within the Chumash Casino Resort. The ABC license expansion would specifically allow the service and consumption of alcoholic beverages on the Casino gaming floor and within the Casino Showroom (entertainment venue).

The above noted ABC license expansion was challenged by two written protests brought

separately by Sheriff Bill Brown and Third District Supervisor Doreen Farr. Within their protest letters, Sheriff Brown and Supervisor Farr documented their concerns about the potential for negative impacts upon the safety and wellbeing of the surrounding community and its residents. These ABC license expansion protests are scheduled to be heard during an ABC hearing on October 25, 26, and 27, 2016.

The Santa Ynez Band of Chumash Indians has offered to mitigate the potential public safety problems outlined within the protest letters (examples: public intoxication, and intoxicated drivers) by contracting for the provision of enhanced public safety services within the Santa Ynez Valley, provided by the County of Santa Barbara Sheriff’s Office. If the County of Santa Barbara Board of Supervisors approves the contract for increased law enforcement services, Sheriff Brown and Supervisor Farr will each withdraw their respective written protests relating to the Santa Ynez Band of Chumash Indians’ application for expansion of their ABC license.

The attached contract identifies the details of the proposed mitigation agreement pursuant to Government Code 54981.7. “A county may enter into a contract with an Indian tribe for the county to provide sheriff protection services for the Indian tribe either solely on Indian lands, or on the Indian lands and territory adjacent to those Indian lands.”

Special note: At the time of docketing of this Board Letter, the Tribal members are considering approval of the Waiver language through a vote on the Sheriff’s draft Contract for Law Enforcement Services between the County and the Tribe. The outcome of the vote is not yet known, but staff will report the results at the Board hearing.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:	\$ 410,497.30	\$ 367,468.00	\$ 141,000.00
Total	\$ 410,497.30	\$ 367,468.00	\$ 141,000.00

Staffing Impacts:

Legal Positions:
2.0

FTEs:
2.0

Narrative:

This contract requires the addition of two (2) positions to the Sheriff’s Office staffing beyond and in addition to already existing agreements between the Santa Barbara County Sheriff’s Office & the Santa Ynez Band of Chumash. Upon successful execution of this

contract, these positions will be added by Personnel Resolution.

This contract takes effect on August 30, 2016, and will cover the ongoing annual costs of 1.0 FTE of Deputy Sheriff Special Duty positions and 1.0 FTE of Deputy Sheriff positions, plus the cost for operating two patrol vehicles, totaling \$360,468 annually. The FY2016-17 personnel and operating costs will be prorated from the time the Sheriff's Office begins providing the agreed upon services. The one-time cost to purchase the two (2) fully equipped patrol vehicles will be funded by the Santa Ynez Band of Chumash Indians, estimated at \$130,000. Additionally, the one-time cost to purchase the necessary uniforms and personally issued equipment for the two contract personnel will be funded by the Santa Ynez Band of Chumash Indians, estimated at \$11,000. For future fiscal years, increases in ongoing personnel and operating costs will be negotiated between the Sheriff's Office and the Santa Ynez Band of Chumash Indians and will take into account salary and benefit costs changes, as well as any other changes in costs to provide the agreed upon services. Upon successful execution of this contract, a Budget Revision will be submitted to account for the impacts of this contract in FY2016-17.

Special Instructions:

Please send a fully executed copy of the Contract to the Office of the Sheriff, Sheriff's CFO Doug Martin and Sheriff's Commander Craig Bonner.

Attachments:

Attachment A: Proposed Contract for Enhanced Law Enforcement Services

Attachment B: 2015 Interim Alcohol Beverage Control License for the Santa Ynez Band of Chumash Indians

Attachment C: 2011 Alcohol Beverage Control License for the Santa Ynez Band of Chumash Indians (Old Conditions)

Authored by:

Commander Craig Bonner, Sheriff's Office

cc: