



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: April 5, 2022  
Placement: **Administrative (set hearing):** April 5, 2022  
**Departmental (first reading):** May 10, 2022  
**Administrative (second reading):** May 17, 2022

Estimated Tme: 1 hour on May 10, 2022  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

**TO:** Board of Supervisors

**FROM:** Department Bill Brown, Sheriff (805-681-4290)  
Director(s)  
Contact Info: Joe Schmidt, Lieutenant (805-934-6162)

**SUBJECT: Proposed Ordinance for the Adoption of Military Equipment Use Policy**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: No

**Recommended Actions:**

That the Board of Supervisors:

On April 5, 2022:

Set a hearing for May 10, 2022 to consider the introduction (First Reading) of an Ordinance adopting the Santa Barbara County Sheriff’s Office Military Equipment Use Policy.

On May 10, 2022:

- a. Receive and file a presentation regarding an Ordinance adopting the Santa Barbara County Sheriff’s Office Military Equipment Use Policy;
- b. Consider and approve the introduction (First Reading) of an Ordinance to adopt the Santa Barbara County Sheriff’s Office Military Equipment Use Policy;
- c. Read the title of the Ordinance and waive full reading of the Ordinance; and
- d. Continue the time to the Administrative Agenda of May 17, 2022 to consider the adoption (Second Reading) of an Ordinance adopting the Military Equipment Use Policy.

On May 17, 2022:

- a. Consider and approve the adoption of the Ordinance (Second Reading) to adopt the Santa Barbara County Sheriff's Office Military Equipment Use Policy; and
- b. Determine that the activity is not a "Project" subject to California Environmental Quality Act (CEQA) review per CEQA Guideline Section 15378(b)(5), since the activity is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

Under Assembly Bill 481, the continued use of military equipment by Santa Barbara County Sheriff's Office (SBSO) will require the Board's adoption of the military equipment use policy. This item is to set hearing for the Board's consideration to adopt an ordinance approving SBSO's military equipment use policy. The First Reading of the ordinance to approve the military equipment use policy is set for May 10, 2022. The Second Reading of the ordinance is set for May 17, 2022.

**Background:**

Assembly Bill 481 is intended to increase transparency, accountability, and oversight surrounding the acquisition and use of military equipment by state and local law enforcement through the governing body's adoption of an ordinance approving the military equipment use policy. The policy will address the description of military equipment, uses for the military equipment, fiscal impact, rules governing the authorized use of the equipment, training, mechanism to ensure compliance with the policy, and procedures by which the public may register complaints.

Pursuant to Government Code §7071, a law enforcement agency must get approval from a governing body through the adoption of the policy by an ordinance before taking certain actions relating to the funding, acquisition, or use of military equipment, such as requesting military equipment, obtaining funds for military equipment, acquiring military equipment permanently or temporarily, collaborating with another law enforcement agency in use of military equipment, using military equipment for a purpose or by a person that was not previously approved to do so, and soliciting or responding to a proposal for receiving, acquiring, using military equipment.

Military equipment defined under Government Code §7070 includes, but is not limited to, armored or weaponized vehicles, large-caliber firearms, explosive projectile launchers, explosive breaching tools, or "flashbang" grenades.

The Board will consider approval of the military equipment use policy on May 10, 2022. The Board may approve the policy if it determines the following:

- Military equipment use is necessary because there is no reasonable alternative that can achieve the same objective of safety
- Military equipment use policy safeguards the public's welfare, safety, civil rights, and civil liberties

- Military equipment is reasonably cost effective compared to alternatives that can achieve the same objective
- Military equipment used before this resolution complied with use policy effective at the time of use, or corrective action is taken to remedy nonconforming uses and ensure future compliance with relevant use policy.

**Fiscal Impacts:**

There are no fiscal impacts associated with the recommended actions.

**Special Instructions:**

After the set hearing on April 5, 2022, direct the Clerk of the Board to publish the notice of public hearing under Government Code §6066 on April 26, 2022, and May 3, 2022, before the First Reading and post a copy of the Ordinance on the County's internet web site or post a certified copy of the full text in the office of the Clerk of the Board five days before the First Reading.

After the Second Reading on May 17, 2022, direct the Clerk of the Board to:

1. Send a copy of the Minute Order of these actions to the SBSO, attn: Lt. Joe Schmidt.
2. Clerk of the Board will publish a copy of the Ordinance or summary thereof, with the names of the Board of Supervisors voting for or against the approval within 15 days after adoption.

**Attachments:**

Attachment A: Military Equipment Use Policy

Attachment B: Ordinance Adopting the Military Equipment Use Policy

Attachment C: Presentation

**Authored by:** Joe Schmidt, Lieutenant