

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

June 23, 2020

FROM

JOHN McMAHON, Sheriff/Coroner/Public Administrator

SUBJECT

Submission of Public Declaration Letter to Federal Aviation Administration to Operate Unmanned Aerial Vehicles as a Governmental Function

RECOMMENDATION(S)

Authorize County Counsel to prepare submission of the Public Declaration Letter pursuant to the Federal Aviation Administration requirement to publicly operate unmanned aerial vehicles and equipment by the Sheriff/Coroner/Public Administrator.

(Presenter: John Ades, Captain, 387-0640)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost of the unmanned aerial vehicles (UAV's) equipment, certifications, and training will be funded by the Sheriff/Coroner/Public Administrator (Department).

BACKGROUND INFORMATION

The Department has acquired five UAV's for indoor and outdoor use. These units will be used during critical incidents and/or operations that pose a high risk to law enforcement personnel and the public. Nearly every critical incident handled by the Department's Specialized Enforcement Division's (SED) Special Weapons and Tactics (SWAT) team prompts the need for personnel to expose themselves to inherently dangerous situations. These situations can be mitigated by using UAV technology to investigate unknown dangers prior to SED SWAT making entry. While the need for SWAT personnel to enter buildings may still exist, the information gathered by a UAV can greatly reduce the threat to these deputies during critical incidents. In addition, the information allows SED SWAT teams to develop better tactical plans, mitigate dangers to uninvolved parties or hostages, and properly equip themselves for the dangers presented.

Government agencies, law enforcement, and public safety entities can qualify to fly UAVs as Public Aircraft under 49 U.S.C. § 40102(a)(41) and § 40125. In order to qualify, an agency must submit a Public Declaration Letter to the Federal Aviation Administration (FAA) attesting that the agency is qualified to act as a Public Aircraft Operator and that the agency will only operate the UAV for governmental functions. Pursuant to 49 U.S.C. § 40102(a)(41)(c), any government of a state, or political subdivision thereof, is authorized to act as a Public Aircraft Operator, and

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“Government Function” is defined in 49 U.S.C. § 40125(a)(2) as “activity undertaken by a government, such as...law enforcement...” However, any UAV will not qualify as a Public Aircraft if it is used for commercial purposes.

The proposed Public Declaration Letter states that the County is qualified to operate as a public aircraft operator, and cites the applicable sections of the California Constitution and the County Charter establishing the County as a political subdivision of the State. The letter also states that the County will only operate the UAVs to carry out Governmental functions, and never for commercial purposes.

PROCUREMENT

Procurement for the equipment listed in the Recommendation was completed on June 2, 2020 in accordance with the County’s procurement procedures. The Department will work in coordination with the County Administrative Office with the implementation of UAVs in the future.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on June 1, 2020; Purchasing (Michael Candelaria, Buyer, 387-0321) on June 1, 2020; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on June 1, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on June 1, 2020.

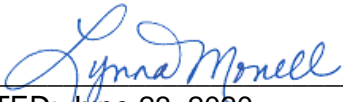
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Josie Gonzales Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 23, 2020



cc: File- Sheriff's w/side letter
la 07/6/2020