



Board Agenda Item 26

DATE: July 13, 2021

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive Revenue Agreements with the USDA Forest Service, Sierra National Forests for Law Enforcement Services

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive revenue Agreement referred to as the 2021 Controlled Substance Annual Operating and Financial Plan, Modification 12, to Agreement 17-103 with the USDA, Forest Service, Sierra and Sequoia National Forest, effective October 01, 2020 and ending September 30, 2021, total not to exceed \$18,000.**
- 2. Approve and authorize the Chairman to execute a retroactive revenue Agreement, referred to as the 2021 Annual Operating and Financial Plan, Modification 11, to Agreement 17-103 with the USDA, Forest Services, Sierra National Forest, effective October 01, 2020 and ending September 30, 2021, total not to exceed \$26,000.**

There is no increase in Net County Cost associated with the recommended actions, which will allow the Sheriff's Office to continue to work cooperatively with the U.S. Forest Service (USFS) to provide patrol and enforcement coverage in campgrounds and recreational sites during the summer months, and to combat controlled substance issues on USFS lands. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If the recommended actions are not approved, no additional services will be provided by the Sheriff's Office on USFS lands.

RETROACTIVE AGREEMENT:

The recommended agreements are being brought to the Board retroactively due to the delay in receiving them from the USFS. The recommended agreements for Modifications 11 and 12 were received from the USFS on May 24, 2021, and are being brought to your Board at the first available Board date after processing. The recommended agreements will provide additional law enforcement coverage during the summer months for the period commencing on or about June 15, 2021 through September 30, 2021.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The recommended 2021 agreements provide for additional law enforcement services not to exceed \$44,000. The appropriations and estimated revenues for these agreements will be included in the Sheriff-Coroner-Public Administrator's FY 2021-22 Recommended Budget for Org 3111, which will be presented to your Board in September 2021. The approval of the recommended actions will allow the Sheriff's Office to recover the

cost of salaries, radio usage, mileage and equipment usage for the Deputy Sheriff position at the FY 2020-21 approved Master Schedule Fee (MSF) rates of \$114.98/hour (regular) and \$65.26/hour (overtime).

DISCUSSION:

The Sheriff's Office has provided additional law enforcement services in the USFS lands since 2000. The USFS wishes to continue providing funding for patrol and enforcement coverage for multiple areas within the Shaver and Huntington Lake recreational sites. In addition, the USFS wishes to continue services to suppress the manufacturing and trafficking of controlled substances on USFS lands.

The Sierra National Forest is within Area 4 of Fresno County Sheriff's designated patrol routes. The existing law enforcement patrol standard for Area 4 is twenty-four-hour daily land patrol. Designated patrol time conducted on property and the area around both Huntington and Shaver Lake varies. Deputy response time from another location to High Sierra Recreation Area can take up to 45 minutes or more, depending on the response location.

On March 28, 2017, your Board approved Cooperative Law Enforcement Agreement No. 17-103 with the USFS for a period of five years, effective from March 28, 2017 through December 31, 2021. The agreement consists of an annual operation plan negotiated on a fiscal year basis via Modification(s) as follows:

- Modification 1 from October 1, 2016 to September 30, 2017 for patrol from Shaver Lake to Huntington Lake Recreation Area approved by the Board on March 28, 2017.
- Modification 2 from October 1, 2016 to September 30, 2017 for investigative services to suppress controlled substances on National Forest system lands approved by the Board on March 28, 2017.
- Modification 3 from October 1, 2017 to September 30, 2018 for patrol from Shaver Lake to Huntington Lake Recreation Area approved by the Board on June 12, 2018.
- Modification 4 from October 1, 2017 to September 30, 2018 for investigative service to suppress controlled substances on National Forest System lands approved by the Board on June 12, 2018, in the amount of \$18,000.
- Modification 5 from October 1, 2017 to September 30, 2018 to add additional funding of \$27,000 for FY 2018 controlled substance operations, increasing overall amount from \$18,000 to not exceed \$45,000 approved by the Board on August 6, 2019.
- Modification 6 from October 1, 2018 to September 30, 2019 for patrol from Shaver Lake to Huntington Lake Recreation Area approved by the Board on August 6, 2019.
- Modification 7 from October 1, 2018 to September 30, 2019 for investigative service to suppress controlled substances on National Forest System lands approved by the Board on August 6, 2019.
- Modification 8 to add additional funding of \$10,000 for FY 2019 controlled substance operations, increasing overall amount from zero to not exceed \$10,000.
- Modification 9 to from October 1, 2019 to September 30, 2020 for investigative service to suppress controlled substances on National Forest System lands approved by the Board on June 23, 2020, in the amount of \$18,000.
- Modification 10 to from October 1, 2019 to September 30, 2020 for patrol from Shaver Lake to Huntington Lake Recreation Area approved by the Board on June 23, 2020, in the amount of \$26,000.

The first recommended action will approve a 2021 revenue agreement that will provide reimbursement of \$18,000 to support operations to suppress manufacturing and trafficking of controlled substances on or affecting the USFS lands. The recommended agreement includes funding for the following: regular salaries and overtime, supplies and equipment not to exceed 10% of the total allocation (\$1,800).

The second recommended action will approve a 2021 revenue agreement that will provide additional patrol hours commencing on or about June 15, 2021 through September 30, 2021, and will allow the Sheriff's Office to collect revenue in the amount of \$26,000. The recommended agreement includes funding for the

following: regular salaries, residential rental at Huntington Lake for the period of June 15, 2021 through September 30, 2021, training not to exceed 10% of the total allocation (\$2,600), and equipment not to exceed 10% of the total allocation (\$2,600).

The recommended agreements deviate from the County model contract because USFS did not agree to integrate the County's insurance requirements, including the County's standard Hold Harmless clause. Risk Management has reviewed the agreement and does not agree with excluding these insurance and indemnification provisions. Additionally, the recommended Modification 11 requires that the County indemnify the USFS for any liability as a result of the County using USFS housing at Huntington Lake. Despite these irregularities, the Sheriff's Office believes that the benefits of the recommended agreements outweigh any potential risks, and recommends approval of the recommended agreements as a prudent business decision.

REFERENCE MATERIAL:

BAI #29, June 23, 2020
BAI #22, August 6, 2019
BAI #27, June 12, 2018
BAI #23, March 28, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement No. 17-103 with USDA
On file with Clerk - Agreement with USDA Modification No. 11
On file with Clerk - Agreement with USDA Modification No. 12

CAO ANALYST:

Yussel Zalapa