



Board Agenda Item 29

DATE: June 23, 2020

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 2020 Controlled Substance Annual Operating and Financial Plan, Modification 09, to Agreement 17-103 with the USDA, Forest Service, Sierra and Sequoia National Forest, effective October 01, 2019 and ending September 30, 2020, total not to exceed \$18,000.**
- 2. Approve and authorize the Chairman to execute a retroactive revenue Agreement, referred to as the 2020 Patrol Operating and Financial Plan, Modification 10, to Agreement 17-103 with the USDA, Forest Services, Sierra and Sequoia National Forest, effective October 01, 2019 and ending September 30, 2020, 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 National Forest System lands. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If the recommended action are not approved, no additional services will be provided on National Forest System lands.

RETROACTIVE AGREEMENT:

The recommended agreements are being brought to the Board retroactively due to the delay in receiving them from the USFS. The agreements for Modifications 09 and 10 were received from the USFS on March 12, 2020 and are being brought to your Board at the first available Board date after processing. These agreements will provide additional law enforcement coverage during the summer months for the period commencing on or about June 15, 2020 through September 30, 2020.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The proposed 2020 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 2020-21 Recommended Budget for Org 3111 that will be presented to your Board in September 2020. 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 2018-19 approved Master Schedule Fee (MSF) rates of \$106.46/hour (regular) and \$60.43/hour (overtime).

DISCUSSION:

The Sheriff's Office has provided additional law enforcement services in the National Forest System lands since 2000. The USDA Forest Service wishes to continue providing funding for patrol and enforcement coverage for multiple areas within the Shaver and Huntington Lake recreational sites. In addition, the Forest Service wishes to continue services to suppress manufacturing and trafficking of controlled substances on National Forest System 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 a Cooperative Law Enforcement Agreement No. 17-103 with the USDA Forest Service 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.

The first recommended action will approve a 2020 revenue agreement that will provide reimbursement of \$18,000 to support operations to suppress manufacturing and trafficking of controlled substances on or affecting the National Forest System Lands. The 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 2020 revenue agreement that will provide additional patrol hours commencing on or about June 15, 2020 through September 30, 2020 and will allow the Sheriff's Office to collect revenue in the amount of \$26,000. The agreement includes funding for the following: regular salaries, residential rental at Huntington Lake for the period of June 15, 2020 through September 30, 2020, training not to exceed 10% of the total allocation (\$2,600), and equipment not to exceed 10% of the total allocation (\$2,600).

This Agreement deviates from the County model contract because USDA did not agree to integrate the County's insurance requirements with regards to the Hold Harmless clause. Risk Management has reviewed the agreement and does not agree with excluding these insurance provisions. However, the Sheriff's Office believes that the benefits of the recommended Agreement outweigh any potential risks and recommends approval of the agreement as a prudent business decision.

REFERENCE MATERIAL:

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. 09

On file with Clerk - Agreement with USDA Modification No. 10

CAO ANALYST:

Yussel Zalapa