



Board Agenda Item 23

DATE: August 23, 2022

TO: Board of Supervisors

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

SUBJECT: Agreement with the USDA Forest Service, Sierra National Forests for Law Enforcement Services

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute Cooperative Law Enforcement Agreement #22-LE-11031600-025 with the United States Department of Agriculture (USDA) Forest Service, Sierra National Forest for patrol, enforcement coverage, and controlled substance investigation assistance, effective upon execution through April 30, 2027 (\$220,000).

There is no additional Net County Cost associated with the recommended action, which will allow the Sheriff's Office to continue to work cooperatively with the USDA Forest Service 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. The recommended action approves a five-year Cooperative Law Enforcement agreement. This item is countywide.

ALTERNATIVE ACTION(S):

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

FISCAL IMPACT:

There is no additional Net County Cost associated with this action. The recommended agreement will provide a maximum of approximately \$220,000 in revenue for Salaries and Benefits and Overtime for one Deputy Sheriff III for the term of the agreement as follows:

- FY 2022-23 321 hours @ 114.98 = \$36,909
 108.67 overtime hours @ 65.26 = \$7,092
- FY 2023-24 321 hours @ 114.98 = \$36,909
 108.67 overtime hours @ 65.26 = \$7,092
- FY 2024-25 321 hours @ 114.98 = \$36,909
 108.67 overtime hours @ 65.26 = \$7,092
- FY 2025-26 321 hours @ 114.98 = \$36,909
 108.67 overtime hours @ 65.26 = \$7,092
- FY 2026-27 321 hours @ 114.98 = \$36,909
 108.67 overtime hours @ 65.26 = \$7,092

Estimated overall total \$220,000

On October 20, 2020, your Board approved the amendment to the MSF rates as recommended with the exception to the fee amount for Deputy Sheriff III as a rate adjustment of eight percent (8%) for Deputy Sheriff III for regular and overtime as follows: \$114.98 (Regular) and \$65.26/Hour (Overtime).

The Net County Cost associated with this agreement for Salaries and Benefits is \$2,876 for FY 2022-23. The difference reflects FY 2022-23 Salary and Benefits costs for 321 hours for one Deputy Sheriff (\$39,785) and the estimated revenue from the USDA is (\$36,909), which is based on the MSF rates approved by your Board, as noted earlier. If Deputy Sheriff overtime is utilized up to 109 hours, additional Net County Cost of \$340 will occur. The difference reflects FY 2022-23 actual costs for up to 109 overtime hours for one Deputy Sheriff (\$7,431) and the estimated revenue from (\$7,091) based on the MSF rates approved by your Board, as noted earlier. The Sheriff-Coroner-Public Administrator's FY 2022-23 Recommended Budget Org 3111 contains sufficient appropriations and estimated revenues to cover the costs associated with this Agreement.

DISCUSSION:

The Sheriff's Office has provided additional law enforcement services in the USDA lands since 2000. The USDA wishes to continue providing funding for patrol and enforcement coverage for multiple areas within the Shaver and Huntington Lake recreational sites. In addition, the USDA wishes to continue services to suppress the manufacturing and trafficking of controlled substances on USDA 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 Lakes varies. Deputy response time from another location to the 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 #17-103 with the USDA for a period of five years from March 28, 2017, through December 31, 2021. The proposed agreement is for an additional five years effective upon execution through April 30, 2027 and consists of an annual operating plan that is negotiated on a fiscal year basis via modifications as follows:

- Modification 1 from October 1, 2016 to September 30, 2017 for patrol from Shaver Lake to Huntington Lake Recreation Area approved by your 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 your 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 your 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 your 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 your 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 your 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 your 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 your 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 your Board on June 23, 2020, in the amount of \$26,000.
- Modification 11 to from October 1, 2020 to September 30, 2021 for patrol from Shaver Lake to Huntington Lake Recreation Area approved by your Board on July 13, 2021, in the amount of \$26,000.
- Modification 12 to from October 1, 2020 to September 30, 2021 for investigative service to suppress controlled substances on National Forest System lands approved by your Board on July 13, 2021, in the amount of \$18,000.

The recommended agreement deviates from the County's model contract because USDA 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. Despite these irregularities, the Sheriff's Office believes that the benefits of the recommended agreement outweigh any potential risk and recommends approval of the recommended agreement as a prudent business decision.

REFERENCE MATERIAL:

BAI #26, July 13, 2021
BAI #25, October 20, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with USDA

CAO ANALYST:

Samantha Buck