

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: May 19, 2020	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input type="checkbox"/> Timed <input checked="" type="checkbox"/> Consent
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DEPARTMENT: Sierra County Sheriff's Office
APPROVING PARTY: Sheriff Mike Fisher
PHONE NUMBER: (530) 289-3700

AGENDA ITEM: Discussion/adoption of resolution approving Cooperative Law Enforcement FY 20 Annual Operating and Financial Plan Between the Sierra County Sheriff's Office and the USDA, Forest Service Tahoe and Plumas National Forest.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: Annual Operating and Financial Plan USDA Tahoe and Plumas National Forest

FUNDING SOURCE:
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND: USFS Reimbursement Cooperative Agreement
AMOUNT: \$22,000 Annually

ARE ADDITIONAL PERSONNEL REQUIRED?

 Yes, -- --
 No

IS THIS ITEM ALLOCATED IN THE BUDGET? Yes No

IS A BUDGET TRANSFER REQUIRED? Yes No

SPACE BELOW FOR CLERK'S USE

<p>BOARD ACTION:</p> <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2020- _____ Agreement 2020- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD

DATE

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**RESOLUTION APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE
AND THE TAHOE AND PLUMAS NATIONAL FOREST RE: FY 2020 FINANCIAL
AND OPERATING PLAN**

Resolution 2020-

BE IT RESOLVED THAT:

1. Agreement No. 17-LE-11051360-020, Mod. 008 captioned 2020 Annual Operating and Financial Plan by and between the County of Sierra ("the County") and Contracting Party: US Forest Service, Tahoe and Plumas National Forest is hereby approved;
2. The responsible administrators for said Agreement are
County: Mike Fisher, Sheriff-Coroner
Contractor: Gerald Parker, Patrol Captain
3. The Responsible Administrator for the County designated above and/or the Chairman of the Board of Supervisors is authorized to execute the subject Agreement.
4. The Sierra County Auditor is hereby authorized to pay said expenditure out of the Sheriff-Coroner Budget #5450.

ADOPTED by the Board of Supervisors of the County of Sierra on the 19st day of May, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF SIERRA

JIM BEARD, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK TO THE BOARD

DAVID PRENTICE
COUNTY COUNSEL



FS Agreement No. 17-LE-11051360-020
Modification No. 008
Cooperator Agreement No. _____

EXHIBIT A

**COOPERATIVE LAW ENFORCEMENT ANNUAL PATROL OPERATIONS PLAN &
FINANCIAL PLAN**

**Between The
SIERRA COUNTY SHERIFF'S OFFICE
And the
USDA, FOREST SERVICE
TAHOE AND PLUMAS NATIONAL FORESTS**

2020 ANNUAL OPERATING AND FINANCIAL PLAN

This Annual Financial and Operating Plan (Annual Operating Plan), is hereby made and entered into by and between the Sierra County Sheriff's Office, hereinafter referred to as "the Cooperator," and the USDA, Forest Service, Tahoe and Plumas National Forests, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #17-LE-11051360-020 executed on May 18, 2017. This Annual Operating Plan is made and agreed to as of the last date signed below and is for the estimated period beginning October 1, 2019 and ending September 30, 2020.

Previous Year Carry-over: \$10,421.72
Current Fiscal Year Obligation: \$11,578.28
FY2020 Total Annual Operating Plan: \$22,000.00

I. GENERAL:

A. The following individuals shall be the designated and alternate representative(s) of each party, so designated to make or receive requests for special enforcement activities.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Mike Fisher, Sheriff-Coroner Sierra County Sheriff's Office P.O. Box 66 Downieville, CA, 95936-0066 Telephone: 530.289.3700 Email: mikefisher@sierracounty.ca.gov	Autumn Long-McGie Sierra County Sheriff's Office P.O. Box 66 Downieville, CA, 95936-0066 Telephone: 530.289.3700 Email: alongmcgie@sierracounty.ca.gov



Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Gerald Parker, Patrol Captain 631 Coyote Street Nevada City, CA 95959 Telephone: 530-478-6148 FAX: 530-478-6179 Email: Gerald.parker@usda.gov	Melissa Ewing 631 Coyote Street Nevada City, CA 95959 Telephone: 530-478-6166 FAX: 530-478-6179 Email: Melissa.ewing@usda.gov
	Geraldine C. Bordash, Grants Management Specialist 1323 Club Drive Vallejo, CA 94592-1110 Telephone: 707-562-8782 FAX: 707-562-9144 Email: gerri.bordash@usda.gov

B. Reimbursement for all types of enforcement activities shall be at the following rates unless specifically stated otherwise. The following rates include wages, fringe benefits, and equipment:

1. *Regular Deputies:* For the services provided in Section II, the Forest Service agrees to reimburse the Cooperator at a rate not to exceed **\$65.00** per hour (salary and mileage) and **OT** rate **\$98.00** per hour.
2. *Reserve Deputies:* For the services provided in Section II, the Forest Service agrees to reimburse the Cooperator at a rate not to exceed **\$65.00** per hour (salary and mileage) **OT** rate **\$98.00** per hour.

II. PATROL ACTIVITIES:

A. Time schedules for patrols will be flexible to allow for emergencies, other priorities, and day-to-day needs of both the Cooperator and the U.S. Forest Service. Time will be spent in each area to make residents and visitors aware that law enforcement officers are in the vicinity. The emphasis for patrols should be focused on periods of higher visitor use, typically Fridays, Saturdays and Sundays. Actual work schedules may be negotiated between the designated representatives.



Patrol in the following campgrounds, developed sites, or dispersed areas:

Cottonwood	Cold Creek	Little Truckee	Pass Creek
East Meadows	Smithneck Road	Stamped	Indian Valley
Upper & Lower Carlton	Fiddle Creek	Rocky Rest	Lakes Basin
Ramshorn	Union Flat	Loganville	Wild Plum
Sardine	Sand Pond	Salmon Greek	Sierra
Chapman Creek	Diablo	Berger	Packsaddle
Yuba Pass	Brandy City	Cal-Ida	Halls Ranch
Cherokee Creek	Eureka Diggings	Gold Lake	

Patrols shall be conducted on a call when needed basis or as scheduled by the Cooperator.

When requested by the Forest Service designated representative, and as resources are available, the Cooperator will assist the Forest Service in conducting support activities related to the enforcement and investigation of violations of Title 36 Code of Federal Regulations part 261 and all Criminal offenses within the United States Code.

- B. Cooperator personnel assigned to duties in Section II must be regular employees of the Sierra County Sheriff's Office with at least POST certification to operate in a solo-officer capacity. The Cooperator's assigned personnel will utilize the County's standard equipment and vehicle, or perform foot patrol, and will be in standard uniform at all times, unless otherwise requested by the Forest Service.

The assigned Deputy will possess Forest Service radio frequencies and maintain communications with the Grass Valley ECC by radio or through the Sierra County Dispatch, at all times during the patrols.

For each patrol shift, the Deputy will complete and turn in a Daily Field Log Report. The Sheriff's Deputy will complete the report after each activity and give to the Forest Service designated representative bi weekly. Any calls off of National Forest System Lands that result in absence for an hour or more, shall be documented on the daily field report and will not be billable to the Forest Service.

The Cooperator will complete and submit to the Forest Service the Forest Service Cooperative Law Enforcement Activity Report (FS 5300-5, attached) or equivalent identifying the number of crimes occurring on NFS lands. The report shall follow the FBI Uniform Crime Reporting groupings, Part I and Part II offenses. Offenses and arrest information shall be combined and reported for each crime. This report shall separate the crimes handled under this agreement from those handled by the cooperator during regular duties. Both report forms are attached to this Exhibit and/or the Cooperative Agreement. Each Forest Service designated representative will also provide the forms as needed.



The Cooperator may not be reimbursed for the services of personnel who are employed by the Forest Service in a law enforcement capacity and are also Reserve Officers of the Cooperator.

- C. The Cooperator will provide dispatch services for the Forest Service from Labor Day through Memorial Day during the hours that the Forest Service Dispatch is out of service.

III. EQUIPMENT, SUPPLIES AND TRAINING:

See Cooperative Law Enforcement Agreement Provisions IV-J, IV-L, IV-M and IV-N for additional information.

Total reimbursement for this category shall not exceed 10% of the grant.

SPECIAL ENFORCEMENT SITUATIONS:

- A. Special Enforcement Situations include but are not limited to: Fire Emergencies, Drug Enforcement, and certain Group Gatherings.
- B. Funds available for special enforcement situations vary greatly from year to year and must be specifically requested and approved prior to any special enforcement activities being authorized for reimbursement. Requests for funds should be made to the U.S. Forest Service designated representative listed in Item I-A of this Annual Operating Plan. The designated representative will then notify the Cooperator whether funds will be authorized for reimbursement. If funds are authorized, the parties will then jointly prepare a revised Annual Operating Plan.
1. Drug Enforcement: This will be handled on a case by case basis. The request will normally come from the patrol Captain; however, it may come from the Special Agent in Charge or their designated representative. Reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to the incident will coordinate all of their activities with the designated officer in charge of the incident.
 2. Fire Emergency: During emergency fire suppression situations and upon request by the Forest Service pursuant to an incident resource order, the Cooperator agrees to provide special services beyond those provided under Section II-A, within the Cooperator's resource capabilities, for the enforcement of State and local laws related to the protection of persons and their property. The Cooperator will be compensated at the rate specified in Section I-B; the Forest Service will specify times and schedules. Upon concurrence of the local patrol Captain or their designated representative, an official from the Incident Management Team managing the incident, Cooperator personnel assigned to an incident where meals are provided will be entitled to such meals.



3. Group Gatherings: This includes but is not limited to situations which are normally unanticipated or which typically include very short notices, large group gatherings such as rock concerts, demonstrations, and organization rendezvous. Upon authorization by a Forest Service representative listed in Section I-A for requested services of this nature, reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to this type of incident will normally coordinate their activities with the designated officer in charge of the incident.
4. Large Permitted Events on the National Forest that create an impact on adjacent non forest service lands, to include the Downieville Downhill and the Clampers weekends.

Total reimbursement for all categories shall not exceed the amount of: \$22,000.00

IV. BILLING FREQUENCY:

See Cooperative Law Enforcement Agreement Provisions II-H and III-B for additional information.

For services requested in items I, II and agreed to under II and IV, reimbursement will be based upon itemized bills furnished monthly, along with certification that the services have been performed. Final billings for reimbursement must be received by the Forest Service before October 31, 2020.

- a. Mail copies of itemized billing statements and patrol logs to:

Melissa Ewing
Law Enforcement & Investigations
631 Coyote Street
Nevada City, CA 95959

- b. Mail invoices to:

1. US Forest Service
Albuquerque Service Center
Payment – Grants and Agreements
1001 B Sun Ave NE
Albuquerque, NM 87109
2. Or FAX to : 877.687.4894 – Attn: Payments, Grants and Agreements
3. Or e-mail scanned invoice to: SM.FS.ASC_GA@USDA.GOV



NOTE: Annually update the registration of the County Sheriff's DUNS# on the System for Award Management (SAM) website at www.sam.gov for the verification of the EFT (Electronic Funds Transfer) banking information.

- A. The following is a breakdown of the total estimated costs associated with this Annual Operating Plan.

Category	Estimated Costs	Not to Exceed by %
Patrol Activities	\$22,000.00	
Training		
Equipment and Supplies		
Dispatch		
Special Enforcement Situations		
Total	\$22,000.00	

- B. Any remaining funding in this Annual Operating Plan may be carried forward to the next fiscal year and will be available to spend through the term of the Cooperative Law Enforcement Agreement, or deobligated at the request of the U.S. Forest Service. *See Cooperative Law Enforcement Agreement Provision IV-D.*



In witness whereof, the parties hereto have executed this Annual Operating Plan as of the last date written below.

MIKE FISHER, Sheriff - Coroner
Sierra County
Date

, Chair
Sierra County, Board of Supervisors
Date

, County Counsel
Sierra County
Date

ELI ILANO, Forest Supervisor
U.S. Forest Service, Tahoe National Forest
Date

DANIEL A. LOVATO, Forest Supervisor
U.S. Forest Service, Plumas National Forest
Date

DON HOANG, Acting Special Agent in Charge
U.S. Forest Service, Pacific Southwest Region
Date

The authority and format of this agreement have been reviewed and approved for signature.

April 18, 2020

CHOR YANG
Grants Management Specialist
U.S. Forest Service, Pacific Southwest Region
Date



Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.