



# MARIPOSA COUNTY

Sheriff's Office • (209) 966-3615



## **RESOLUTION - ACTION REQUESTED 2016-321**

MEETING: June 21, 2016

TO: The Board of Supervisors

FROM: Doug Binnewies, Sheriff-Coroner-Public Administrator

RE: 2016 Forest Service Controlled Substance Annual Operating and Financial Plan

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### **RECOMMENDED ACTION AND JUSTIFICATION:**

Approve Agreement 12-LE-11051360-002 Modification 011 (*Controlled Substance Annual Operating and Financial Plan*) and Modification of Grant or Agreement 013 with the United States Department of Agriculture, Sierra and Stanislaus National Forests for law enforcement services on National Forest Lands; and authorize the Board of Supervisors Chair to sign the Agreement Modification 013. These Agreement Modifications establishes the total reimbursable revenue of \$12,000 to the Mariposa County Sheriff's Office. (For reader clarification; The Controlled Substance Annual Operating Plan attached is titled "Exhibit B" while the Cooperative Law Enforcement Annual Operating Plan is titled "Exhibit A", and will be presented to the Board shortly).

The United States Department of Agriculture is seeking an agreement with Mariposa County to provide law enforcement services on those lands that are designated as National Forest Lands. The law enforcement services that are to be provided by the Mariposa County Sheriff's Office are intended to supplement the services being provided by National Forest Service law enforcement personnel.

The Agreement identifies controlled substance operations as a targeted area of enforcement that will be reimbursed. This includes, "support of operations to suppress manufacturing and trafficking of controlled substances on or affecting the administration of National Forest System Lands, with an emphasis on identification, apprehension and prosecution of suspects engaged in these activities in Mariposa County."

The Mariposa County Sheriff's Office has a long history of working cooperatively with National Forest Service law enforcement personnel and a proven success record locating and eradicating large cannabis growing operations on National Forest Lands.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board of Supervisors has approved similar agreements with the Department of Agriculture and Sierra and Stanislaus National Forests in past years.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Do not approve the agreement. The Mariposa County Sheriff's Office will continue to provide

services and assistance to the Department of Agriculture but will not be able to seek reimbursement for services provided on National Forest Service lands.

**FINANCIAL IMPACT:**

**Revenue funding is provided by the USFS. Revenue will be included in the Fiscal Year 2016-17 Sheriff Budget.**

**ATTACHMENTS:**

**FS2016 Narc (PDF)**

**CAO RECOMMENDATION**

Requested Action Recommended

  
\_\_\_\_\_  
Mary Hodson, CAO 6/15/2016

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Rosemarie Smallcombe, District I Supervisor

**SECONDER:** Marshall Long, District III Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Carrier



FS Agreement No. 12-LE-11051360-002  
Cooperator Agreement No. \_\_\_\_\_  
Modification No. MOD 011

**EXHIBIT B**

**COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN &  
FINANCIAL PLAN  
Between The  
MARIPOSA COUNTY SHERIFF'S DEPARTMENT  
And the  
USDA, FOREST SERVICE  
SIERRA AND STANISLAUS NATIONAL FORESTS**

**2016 CONTROLLED SUBSTANCE ANNUAL OPERATING AND FINANCIAL PLAN**

This Annual Financial and Operating Plan (Annual Operating Plan), is hereby made and entered into by and between the Mariposa County Sheriff's Department, hereinafter referred to as "MCSO," and the USDA, Forest Service, Sierra and Stanislaus National Forests, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #12-LE-11051360- 002 executed on June 14, 2012 . This Annual Operating Plan is made and agreed to as of the last date signed below and is for the estimated period beginning October 01, 2015 and ending September 30, 2016.

**Previous Year Carryover: \$0.07**  
**Current FY 2016 Obligation: \$9,999.93**  
**FY-2016 Total Available Funding: \$10,000**

**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:**

<b>Cooperator Program Contact</b>	<b>Cooperator Administrative Contact</b>
Douglas Binnewies, Sheriff Mariposa County P.O. Box 276 Mariposa, CA 95338-0276 Phone: 209-9663615 FAX: 209-742-5090 E-mail: dbinnewies@mariposacounty.org	Andrea Stewart, Admin. Asst. to Sheriff Mariposa County P.O. Box 276 Mariposa, CA 95338-0276 Phone: 209-9663615 FAX: 209-742-5090 E-mail: astewart@mariposacounty.org



<b>Cooperator Alternate Contact</b>
Jeremy Briese, Captain Mariposa County P.O. Box 276 Mariposa, CA 95338-0276 Phone: 209-9663615 <b>FAX:</b> 209-742-5090 <b>E-mail:</b> <a href="mailto:jbriese@mariposacounty.org">jbriese@mariposacounty.org</a>

**Principal U.S. Forest Service Contacts:**

<b>U.S. Forest Service Program Manager Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Diana Nichols, Special Agent Stanislaus National Forest 19777 Greenly Rd. Sonora, CA 95370-5909 <b>Office:</b> 209-532-3671 xt 247 <b>FAX:</b> 209-532-5415 <b>E-mail:</b> <a href="mailto:dlnichols@fs.fed.us">dlnichols@fs.fed.us</a>	Jennie Shirley, Admin Specialist Pacific Southwest Regional Office – LEI 1323 Club Drive Vallejo, CA 94592 <b>Office:</b> 707-562-9127 <b>FAX:</b> 707-562-9031 <b>E-mail:</b> <a href="mailto:jennieshirley@fs.fed.us">jennieshirley@fs.fed.us</a>

<b>U.S. Forest Service Program Coordinator Contact</b>
Kent Delbon, Assistant Special Agent in Charge Pacific Southwest Regional Office – LEI 1323 Club Drive Vallejo, CA 94592 707-562-8649 (office) <b>FAX:</b> 707-562-9031 <b>E-mail:</b> <a href="mailto:kdelbon@fs.fed.us">kdelbon@fs.fed.us</a>

**II. CONTROLLED SUBSTANCE OPERATIONS**

Pursuant to IV- I of Agreement No. 12-LE-11051360-002, the following is in support of operations to suppress manufacturing and trafficking of controlled substances on or affecting the administration of National Forest System lands, with an emphasis on identification, apprehension and prosecution of suspects engaged in these activities:

A. The *U.S. Forest Service* agrees:



1. To reimburse **MCSO** for expenditures associated with the detection of locations and activities related to illegal production and trafficking of controlled substances, including:
  - a. Ground reconnaissance to identify and inventory locations and activities associated with producing or trafficking controlled substances.
  - b. Aerial reconnaissance to identify and inventory locations and activities associated with producing or trafficking controlled substances.
2. To reimburse **MCSO** for certain expenses resulting from investigative activities associated with investigating cases involving the illegal production or trafficking of controlled substances on or affecting the administration of National Forest system lands, including:
  - a. Surveillance operations to identify persons illegally producing or trafficking controlled substances.
  - b. Apprehension of persons suspected of producing or trafficking controlled substances.
  - c. Collection of evidence to support prosecution of persons suspected of illegally producing or trafficking controlled substances.
  - d. Prosecution of persons suspected of producing or trafficking controlled substances.
3. To reimburse **MCSO** for expenses resulting from the removal of cannabis plants from National Forest System lands. When circumstances indicate that removal of the cannabis plants is required before an investigation to determine the person(s) responsible can be completed, eradication operations must be approved by the U.S. Forest Service prior to taking place.

**Note:** **MCSO** retains the authority to eradicate cannabis plants from National Forest System lands without reimbursement from the U.S. Forest Service at its discretion.

4. To reimburse **MCSO** for the costs of purchasing supplies and equipment used exclusively for activities described in items A.1, A.2 and A.3 of this Plan. Purchases must be agreed to and approved by the U.S. Forest Service.

Purchases may **not exceed 10% of the total allocation** without prior approval by the U.S. Forest Service Designated Representative.

B. **MCSO** agrees:



1. Within its capability, to perform the following activities on National Forest System lands:
  - a. Detect and inventory locations associated with illegal production or trafficking of controlled substances, and notify the U.S. Forest Service of such locations as soon as possible.
  - b. Investigations to determine the person(s) responsible for manufacturing or trafficking controlled substances.
  - c. Upon request and prior approval of the U.S. Forest Service, remove cannabis plants from National Forest System lands.
2. To furnish all activity reports, crime reports, investigation reports, and other reports or records, resulting from activities identified in **Section II, A** of this Operating and Financial Plan to the affected Forests for review and forwarding to the Regional Office for processing.

C. The *U.S. Forest Service* and **MCSO** mutually agree to the following:

1. The following rate schedule will apply to all expenditures that may be reimbursed to **MCSO** under this agreement;

Salary (base)	<b>\$29.08</b> per hour,
Sergeant	<b>\$36.51</b> per hour,
Salary (Overtime)	<b>\$Base + 1/2 per hour,</b>
Per Diem cost	<b>\$34.00 M&amp;IE + \$85.00 Lodging,</b>
Travel (mileage and fares)	\$0.51 per mile
Helicopter flight time	<b>Actual documented costs,</b>
Supplies or equipment	<b>Actual documented costs</b>
(copies of invoices needed for reimbursement)	

2. The total expenditures of **MCSO** that may be reimbursed may not exceed.... **\$10,000**  
The total expenditures for item **A.4** may not exceed..... **10%** of the total allocation.

D. **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 de-obligated at the request of the U.S. Forest Service.**

**III. BILLING FREQUENCY:**

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



**MCSO** will furnish monthly itemized statements of expenses to the U.S. Forest Service for expenditures that may be reimbursed as identified in items II A.1, A.2, A.3, and A.4 of this Plan. Attachment A, Law Enforcement Billing Summary, Drug Enforcement, must be completed and submitted to the contacts in (a) below for each billing statement.

- a. Mail copies of itemized billing statements (Attachment A) to:

Jennie Shirley, Administrative Specialist  
Pacific Southwest Regional Office - LEI  
1323 Club Drive  
Vallejo, CA 94592

Send photo copy to:  
Diana Nichols, Special Agent  
Stanislaus National Forest  
19777 Greenly Rd.  
Sonora, CA 95370

- b. **Send hard copy invoices to:**

U.S. Forest Service  
Albuquerque Service Center  
Payments – Grants & Agreements  
101 B Sun Ave NE  
Albuquerque, NM 87109

Or fax to: (877) 687-4894

Or e-mail scanned invoice to: [ASC\\_GA@fs.fed.us](mailto:ASC_GA@fs.fed.us)

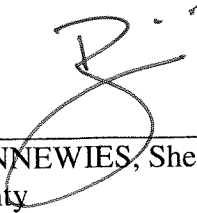
- c. Final billings for reimbursement on this Annual Operating Plan (AOP) must be received by the U.S. Forest Service before October 31, 2016 in order to receive payment.
- d. **Annually update the registration of the County Sheriff's DUNS# on the System for Award Management (SAM) website at [www.sam.gov](http://www.sam.gov) for the verification of the EFT (Electronic Funds Transfer) banking information.**

**Job Code: NFLE0515 1360 \$.07**


**Job Code: NFLE0516 1360 \$9,999.93**




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

  
 \_\_\_\_\_  
 DOUGLAS BINNEWIES, Sheriff  
 Mariposa County

6/9/2016  
 \_\_\_\_\_  
 Date

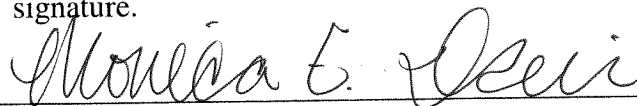
  
 \_\_\_\_\_  
 JOHN CARREE, Chairperson  
 Mariposa County Board of Supervisors

6-21-16  
 \_\_\_\_\_  
 Date

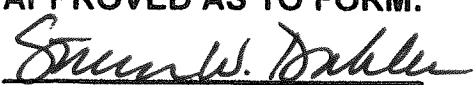
  
 \_\_\_\_\_  
 DON HOANG, Special Agent in Charge  
 U.S. Forest Service, Pacific Southwest Region

7/7/16  
 \_\_\_\_\_  
 Date

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

  
 \_\_\_\_\_  
 MONICA E. IRVIN  
 U.S. Forest Service, Grants Management Specialist

4/8/2016  
 \_\_\_\_\_  
 Date

**APPROVED AS TO FORM:**  
  
 \_\_\_\_\_  
**STEVEN W. DAHLEM**  
**COUNTY COUNSEL**

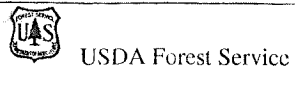
Burden Statement

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.





### MODIFICATION OF GRANT OR AGREEMENT

PAGE	OF PAGES
1	3

1. U.S. FOREST SERVICE GRANT/AGREEMENT NUMBER: 12-LE-11051360-002		2. RECIPIENT/COOPERATOR GRANT or AGREEMENT NUMBER, IF ANY:		3. MODIFICATION NUMBER: 013	
4. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING GRANT/AGREEMENT (unit name, street, city, state, and zip + 4): Monica E. Irvin, Grant Management Specialist Pacific Southwest Region, USDA, Forest Service 1323 Club Drive Vallejo, CA 94592			5. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4): Law Enforcement Pacific Southwest Region, USDA, Forest Service 1323 Club Drive Vallejo, CA 94592		
6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip + 4, county): Mariposa County Sheriff Department P.O. Box 276 Mariposa, CA 95338			7. RECIPIENT/COOPERATOR'S HHS SUB ACCOUNT NUMBER (For HHS payment use only):		

### 8. PURPOSE OF MODIFICATION

CHECK ALL THAT APPLY:	This modification is issued pursuant to the modification provision in the grant/agreement referenced in item no. 1, above.
<input type="checkbox"/>	CHANGE IN PERFORMANCE PERIOD:
<input checked="" type="checkbox"/>	CHANGE IN FUNDING: Add FY-16 Drug/Controlled Substance funding in the Amount of \$2,000
<input type="checkbox"/>	ADMINISTRATIVE CHANGES:
<input type="checkbox"/>	OTHER (Specify type of modification):

Except as provided herein, all terms and conditions of the Grant/Agreement referenced in 1, above, remain unchanged and in full force and effect.

9. ADDITIONAL SPACE FOR DESCRIPTION OF MODIFICATION (add additional pages as needed):  
Add additional funding of \$2,000.00 for FY-16 Drug AOP; section II. CONTROLLED SUBSTANCE OPERATIONS: A. 1., A. 2., and A. 3. (increases overall amount to \$12,000.00)

### 10. ATTACHED DOCUMENTATION (Check all that apply):

<input type="checkbox"/>	Revised Scope of Work
<input checked="" type="checkbox"/>	Revised Financial Plan
<input checked="" type="checkbox"/>	Other: SAC Spreadsheet with increase dollar amounts

### 11. SIGNATURES

AUTHORIZED REPRESENTATIVE: BY SIGNATURE BELOW, THE SIGNING PARTIES CERTIFY THAT THEY ARE THE OFFICIAL REPRESENTATIVES OF THEIR RESPECTIVE PARTIES AND AUTHORIZED TO ACT IN THEIR RESPECTIVE AREAS FOR MATTERS RELATED TO THE ABOVE-REFERENCED GRANT/AGREEMENT.

11.A. MARIPOSA COUNTY SIGNATURE  (Signature of Signatory Official)	11.B. DATE SIGNED 6/9/2016	11.C. U.S. FOREST SERVICE SIGNATURE  (Signature of Signatory Official)	11.D. DATE SIGNED 7/7/16
11.E. NAME (type or print): DOUG BINNEWIES		11.F. NAME (type or print): DON HOANG	
11.G. TITLE (type or print): SHERIFF Mariposa County		11.H. TITLE (type or print): Special Agent in Charge	

### 12. G&A REVIEW

12.A. The authority and format of this modification have been reviewed and approved for signature by:  Monica E. Irvin U.S. Forest Service Grants & Agreements Specialist	APPROVED AS TO FORM:	12.B. DATE SIGNED 5/27/16
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STEVEN W. DAHLEM  
COUNTY COUNSEL



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