

# MARIPOSA COUNTY

Sheriff's Office • (209) 966-3615



## **RESOLUTION - ACTION REQUESTED 2016-350**

MEETING: June 28, 2016

TO: The Board of Supervisors

FROM: Doug Binnewies, Sheriff-Coroner-Public Administrator

RE: 2016 Forest Service Law Enforcement Patrol Agreement

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

Approve Agreement 12-LE-11051360-002 and Modification 012 (*2016 Forest Service Law Enforcement Patrol Agreement*) and Modification Number 012 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 and the Sheriff to Sign the Modification.

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 the following targeted area of enforcement that will be reimbursed:

1. Patrol activities within the Merced River canyon, rural forest roads, campgrounds, recreation areas, trails, trail-heads and Forest Service facilities of Mariposa County.

This Grant Agreement reflects the change to the minimum wage requirement, and while this has no impact to the Agreement, needs to be incorporated per Federal policies and procedures.

The Mariposa County Sheriff's Office has a long history of working cooperatively with National Forest Law Enforcement Personnel, and a proven success record of locating and eradicating large cannabis growing operations on National Forest lands.

This Agreement totals the amount of \$5,000 and the attached Modification of \$4,000, which increases the total Agreement to \$9,000 reimbursable revenue to the County.

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

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

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

If the Agreement is not signed, Mariposa County will not be able to seek reimbursement from

the Department of Agriculture for law enforcement services provided on National Forest Lands.

**FINANCIAL IMPACT:**

**None, Funding is provided by the U.S. Forest Service. Revenue has been included in the Fiscal Year 2016-17 Budget. No direct impact to the General Fund.**

**ATTACHMENTS:**

**FS AOP Patrol Contract 2016-2017 (PDF)**

**FS Patrol 2016 Modification (PDF)**

**CAO RECOMMENDATION**

Requested Action Recommended

  
Mary Hodson, CAO 6/23/2016

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

**MOVER:** Merlin Jones, District II Supervisor

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

**AYES:** Rosemarie Smallcombe, Merlin Jones, Marshall Long, Kevin Cann

**EXCUSED:** John Carrier



FS Agreement No. 12-LE-11051360-002  
Mod 010

**EXHIBIT A**

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

**2016 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 "Cooperator," and the USDA, Forest Service, Sierra & 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 1, 2015 and ending September 30, 2016.

Previous Year Carry-over: \$00.00  
Current Fiscal Year Obligation: \$5,000.00  
**FY2016 Total Annual Operating Plan: \$5,000.00**

**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:**

<b>Cooperator Program Contact</b>	<b>Cooperator Administrative Contact</b>
Doug Binnewies, Sheriff P.O. Box 276 Mariposa, CA 95338 Telephone: (209) 966-3615 Fax: (209) 742-5090	Jeremy Briese, Captain P.O. Box 276 Mariposa, CA 95338 Telephone: (209) 966-3615 Fax: (209)742-5090 jbriese@mariposacounty.org



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

<b>U.S. Forest Service Program Manager Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Cody Wheeler, Patrol Captain 1600 Tollhouse Rd. Clovis, CA 93611 Telephone: 559-297-0706 ext. 4986 FAX: 559-294-4802 Email: ccwheeler@fs.fed.us	Rita Wears, Patrol Commander 444 East Bonita Ave. San Dimas, CA 91773 Telephone: 909-929-7075 FAX: 909-592-1404 Email: rwears@fs.fed.us

B. Reimbursement for all types of enforcement activities shall be at the following rates unless specifically stated otherwise:

Deputy Salary (base)	\$30.77 per hour
Sergeant Salary	\$38.69 per hour
Salary (overtime)	\$Base + ½ per hour
Travel (mileage)	\$0.63 per mile
Per diem cost	\$215 per day

**II. PATROL ACTIVITIES:**

A. Time schedules for patrols will be flexible to allow for emergencies, other priorities, and day-to-day needs of both Cooperator and the U.S. Forest Service. Ample time will be spent in each area to make residents and visitors aware that law enforcement officers are in the vicinity.

1. Patrol on following U.S. Forest Service roads:

Assignment of one Deputy Sheriff or Sheriff’s Sergeant to the Bass Lake Ranger District of the Sierra National Forest within Mariposa County commencing May 1, 2016 and terminating September 30, 2016. The primary duties of the Deputy or Sergeant will include answering calls for service, routine patrol, and investigation of criminal offenses occurring within the National Forest.

This Deputy will be assigned as needed to patrol the Merced River Canyon, rural forest roads, campground, recreation areas, trails, trailheads, and forest service facilities with extended coverage on major holiday weekends. This Deputy is to provide copies of all incidents occurring on National Forest Lands including any incidents outside the contract period.



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

Assignment of one Deputy Sheriff or Sheriff's Sergeant to the Greeley Hill area on a call when needed basis during the period commencing May 1, 2016 and terminating September 30, 2016. This Deputy is to provide copies of all written reports, incident reports, citations, and incidents occurring on National Forest Lands including any incidents outside the contract period.

Any funding not used under section III TRAINING and Section IV EQUIPMENT will be allocated to Patrol activities under Section II. PATROL ACTIVITIES and will not exceed a combined total of \$5,000.00.

**Total reimbursement for this category shall not exceed the amount of \$5,000.00**

### III. TRAINING:

*See Cooperative Law Enforcement Agreement Provision IV-K for additional information.*

Training will be limited to work related training aimed at improving the overall efficiency of the enforcement and patrol activities related to this agreement between the Cooperator and the Forest Service. This includes training for those Officers that work in the mountainous terrain and County areas within the boundaries of the Sierra and Stanislaus National Forest. It is mutually understood that at the time of this agreement that not all parties will know of all the training that is available.

**Total reimbursement for training may not exceed: 10% of the total agreement.**

### IV. EQUIPMENT:

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

Any equipment purchase will be mutually agreed upon between the designated representatives or alternate representatives.

**Total reimbursement for equipment shall not exceed: 10% of the total agreement.**

### 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 reimbursement being authorized. 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 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.

This includes but is not limited to situations which are normally unanticipated or which typically include very short notice, large group gatherings such as rock concerts, demonstrations, and organizational rendezvous.

#### **V. BILLING FREQUENCY:**

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



The Cooperator will furnish the Forest Service with itemized monthly statements for expenditures. The statement shall be in sufficient detail to allow the Forest Service to tie these expenditures back to reimbursable expenses and the rate schedule and shall be certified by the County of Mariposa as being current and proper.

These statements must be accompanied by a Law Enforcement Activity Report, form FS-5300-5, filled out as required by Provision 11-G of the Cooperative Law Enforcement Agreement 12-LE-11051360-002.

A. Mail copies of itemized billing statements to:

Cody Wheeler, Patrol Captain  
USFS Law Enforcement  
1600 Tollhouse Rd.  
Clovis, CA 93611

Send hard copy invoices to:

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

Or fax to: 877-687-4984

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

Final billings for reimbursement must be received by the Forest Service before October 30, 2016 in order to receive payment. Please see agreement provision IV-V regarding use of funding in succeeding years.

**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.**

B. 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	5,000.00	
Training		10%
Equipment		10%
Special Enforcement Situations		
<b>Total</b>	<b>5,000.00</b>	





- C. Any remaining funding in this Annual Operating Plan may be carried forward to the next FY2017 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.*
  
- D. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this agreement.

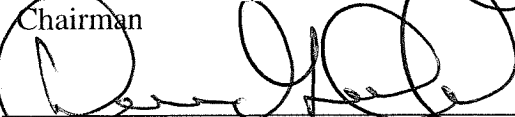





In witness whereof, the parties hereto have executed this Annual Operating Plan as of the last date written below.

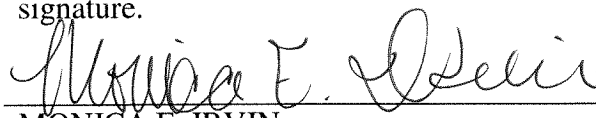
  
\_\_\_\_\_  
DOUG BINNEWIES, Sheriff-Coroner  
Mariposa County  
Date 6/9/2016

  
\_\_\_\_\_  
~~JOHN CARRIER~~ By: Marshall Long, Vice-Chair  
Chairman  
Date 6/28/16

  
\_\_\_\_\_  
DEAN GOULD, Forest Supervisor  
U.S. Forest Service, Sierra National Forest  
Date 4/14/16

  
\_\_\_\_\_  
DON HOANG  
Special Agent in Charge, Pacific Southwest Region  
Date 7/7/16

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

  
\_\_\_\_\_  
MONICA E. IRVIN  
U.S. Forest Service Grants Management Specialist  
Date 4/8/2016

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.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
STEVEN W. DAHLEM  
COUNTY COUNSEL



<b>MODIFICATION OF GRANT OR AGREEMENT</b>	PAGE 1 OF PAGES 3
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1. U.S. FOREST SERVICE GRANT/AGREEMENT NUMBER: <b>12-LE-11051360-002</b>	2. RECIPIENT/COOPERATOR GRANT or AGREEMENT NUMBER, IF ANY:	3. MODIFICATION NUMBER: <b>012</b>
4. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING GRANT/AGREEMENT (unit name, street, city, state, and zip + 4): <b>Monica E. Irvin, Grant Management Specialist Pacific Southwest Region, USDA, Forest Service 1323 Club Drive Vallejo, CA 94592-1110</b>	5. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4): <b>Law Enforcement and Investigations Pacific Southwest Region, USDA, Forest Service 1323 Club Drive Vallejo, CA 94592-1110</b>	
6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip + 4, county): <b>Mariposa County Sheriff Department P.O. Box 276 Mariposa, CA 95338</b>	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 Patrol Funding in the Amount of \$4,000.00
<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 \$4,000.00 for FY-16 Patrol AOP; section II. PATROL ACTIVITIES: (increases overall amount to \$9,000.00)

10. ATTACHED DOCUMENTATION (Check all that apply):

<input type="checkbox"/>	Revised Scope of Work
<input checked="" type="checkbox"/>	Revised Financial Plan
<input type="checkbox"/>	Other:

APPROVED AS TO FORM:

**STEVEN W. DAHLEM**  
COUNTY COUNSEL

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 	11.B. DATE SIGNED <b>6/17/2016</b>	11.C. U.S. FOREST SERVICE SIGNATURE 	11.D. DATE SIGNED <b>7/7/16</b>
(Signature of Signatory Official)		(Signature of Signatory Official)	
11.E. NAME (type or print): <b>DOUG BINNEWIES</b>		11.F. NAME (type or print): <b>DON HOANG</b>	
11.G. TITLE (type or print): <b>Sheriff, Mariposa County</b>		11.H. TITLE (type or print): <b>Special Agent in Charge</b>	

12. G&A REVIEW

12.A. The authority and format of this modification have been reviewed and approved for signature by:  <b>MONICA E. IRVIN</b> U.S. Forest Service Grants & Agreements Specialist	12.B. DATE SIGNED <b>5/27/16</b>
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USFS Agreement No.: 12-LE-11051360-002

Modification No.: 12

Attachment A

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

<b>Category</b>	<b>Estimated Costs</b>	<b>Not to Exceed by %</b>
Patrol Activities	9,000.00	
Training		10%
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Special Enforcement Situations		
<b>Total</b>	<b>9,000.00</b>	