



# MARIPOSA COUNTY

Sheriff's Office • (209) 966-3615



## RESOLUTION - ACTION REQUESTED 2019-365

MEETING: June 25, 2019

TO: The Board of Supervisors

FROM: Doug Binnewies, Sheriff-Coroner-Public Administrator

RE: FY19-20 Forest Service Law Enforcement Controlled Substance Agreement

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### RECOMMENDED ACTION AND JUSTIFICATION:

Approve the FY19-20 payment for operational services of the five-year Cooperative Agreement No. 17-LE-11051360-025 with the United States Department of Agriculture (Sierra and Stanislaus National Forest), (Exhibit B, Controlled Substance Annual Operating and Financial Plan) to assist in providing law enforcement services on National Forest Land; and authorize the Board of Supervisors Chair to sign the Agreement.

The United States Department of Agriculture and the Mariposa County Sheriff's Office currently enjoys a five-year agreement with Mariposa County Sheriff to provide law enforcement services on those lands that are designated as National Forest Lands. The law enforcement services that are provided by the Mariposa County Sheriff's Office are intended to supplement the services being provided by National Forest Service Law Enforcement Personnel.

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

The identified areas of enforcement that will be reimbursed under the Agreement is as follows:

Target: Controlled Substance Operations

1. 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.

## Resolution - Action Requested 2019-365

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

The Board of Supervisors has approved similar agreements with the Department of Agriculture in past years, which have been productive for the community.

### **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:**

**Revenue and Appropriations will be included in Fiscal Year 2019 - 2020 Sheriff's Budget**

### **ATTACHMENTS:**

**2019 Exhibit B Con Sub Agreement (PDF)**

**FS-SO 5 Year Agreement (PDF)**

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

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

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

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



FS Agreement No. 17-LE-11051360-025  
 Cooperator Agreement No. \_\_\_\_\_  
 Modification No. 05

**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**

**2019 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 #-17-LE-11051360-025 executed on March 16, 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 01, 2018 and ending September 30, 2019.

**Previous Year Carryover: \$0**  
**FY 2019 Obligation: \$12,000**  
**FY 2019 Total Available Funding: \$12,000**

**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: 209-966-3615 <b>FAX: 209-742-5090</b> <b>E-mail: dbinnewies@mariposacounty.org</b>	Andrea Stewart, Admin. Asst. to Sheriff Mariposa County P.O. Box 276 Mariposa, CA 95338-0276 Phone: 209-9663615 <b>FAX: 209-742-5090</b> <b>E-mail: astewart@mariposacounty.org</b>



<b>Cooperator Alternate Contact</b>
Chris Ramirez, 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:cramirez@mariposacounty.org">cramirez@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>
Cooper Fouch, Special Agent Sierra National Forest 1600 Tollhouse Road Clovis, CA 93611 <b>Office:</b> 559-297-0706x4886 <b>E-mail:</b> <a href="mailto:cooper.fouch@usda.gov">cooper.fouch@usda.gov</a>	Megan Pleva, Program Support Assistant Pacific Southwest Regional Office – LEI 1323 Club Drive Vallejo, CA 94592 <b>Office:</b> 707-562-8720 <b>FAX:</b> 707-562-9031 <b>E-mail:</b> <a href="mailto:megan.pleva@usda.gov">megan.pleva@usda.gov</a>

<b>U.S. Forest Service Program Coordinator Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Peter Jordan Assistant Special Agent in Charge Pacific Southwest Regional Office – LEI 1323 Club Drive Vallejo, CA 94592 707-562-8662 (office) <b>FAX:</b> 707-562-9031 <b>E-mail:</b> <a href="mailto:peter.jordan@usda.gov">peter.jordan@usda.gov</a>	Karen McWilliams, Grants Management Specialist 7014 N. Santa Anita Ave. Arcadia, CA 91006 Telephone: 626-574-5221 Email: <a href="mailto:Karen.mcwilliams@usda.gov">Karen.mcwilliams@usda.gov</a>

**II. CONTROLLED SUBSTANCE OPERATIONS**

Pursuant to IV- I of Agreement No. 17-LE-11051360-025, 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)	\$31.74 per hour,
Sergeant	\$39.86 per hour,
Salary (Overtime)	\$Base + ½ per hour,
Per Diem cost	\$34.00 M&IE + \$85.00 Lodging,
Travel (mileage and fares)	\$0.51 per mile
Helicopter flight time	Actual documented costs,
Supplies or equipment	Actual documented costs
(copies of invoices needed for reimbursement)	

2. The total expenditures of **MCSO** that may be reimbursed may not exceed.... **\$12,000**.  
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:

Megan Pleva, Program Support Assistant  
Pacific Southwest Regional Office - LEI  
1323 Club Drive  
Vallejo, CA 94592

Send photo copy to:  
Cooper Fouch, Special Agent  
Sierra National Forest  
1600 Tollhouse Rd.  
Clovis, CA 93611

- 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

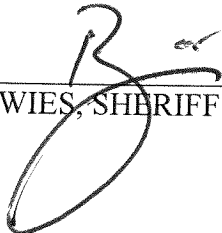
Or e-mail scanned invoice to: [ASC\\_GA@fs.fed.us](mailto:ASC_GA@fs.fed.us)

- c. Final billings for reimbursement on this Annual Operating Plan (AOP) must be received by the U.S. Forest Service before October 31, 2019 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.**

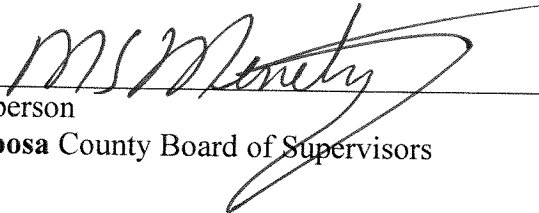
**Job Code: NFLE5119 1360 \$12,000**




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

  
 \_\_\_\_\_  
 DOUGLAS BINNEWIES, SHERIFF  
 Mariposa County

5/23/2019  
 \_\_\_\_\_  
 Date


  
 \_\_\_\_\_  
 Chairperson  
 Mariposa County Board of Supervisors

June 25 2019  
 \_\_\_\_\_  
 Date

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

7/22/19  
 \_\_\_\_\_  
 Date

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

  
 \_\_\_\_\_  
 KAREN MCWILLIAMS  
 U.S. Forest Service, Grants Management Specialist

4-24-19  
 \_\_\_\_\_  
 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.

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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