RESOLUTION - ACTION REQUESTED 2015-160

MEETING: April 7, 2015

TO: The Board of Supervisors

FROM: Doug Binnewies, Sheriff-Coroner-Public Administrator

RE: 2015 Forest Service Controlled Substance Annual Operating and Financial Plan

RECOMMENDED ACTION AND JUSTIFICATION:
Approve Agreement 12-LE-11051360-002 (Controlled Substance Annual Operating and Financial Plan) 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.

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 a targeted area of enforcement that will be reimbursed.
Targeted area: 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.

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.

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.
If the agreement is not signed, the Mariposa County Sheriff’s Office will continue to provide services and assistance to the Department of Agriculture, however all costs associated with providing those services will be borne exclusively by Mariposa County.

FINANCIAL IMPACT:
None, funding is provided by the USFS. Revenue will be included in the Fiscal Year 2015-16 Budget. No direct impact to the General Fund.

ATTACHMENTS:
2015 Controlled Substance Annual Operating and Financial Plan  (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Mary Hodson
Mary Hodson, CAO  3/31/2015

RESULT:  ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:  Marshall Long, District III Supervisor
SECONDER:  Rosemarie Smallcombe, District I Supervisor
AYES:  Smallcombe, Jones, Long, Cann, Carrier
EXHIBIT B

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

2015 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 “MCS,” 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 1, 2014 and ending September 30, 2015.

Previous Year Unexpended Funds: $922.77
Current FY-15 Year Obligation: 11,077.23
FY-2015 Total Annual Operating Plan: $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:**

<table>
<thead>
<tr>
<th>Cooperator Program Contact</th>
<th>Cooperator Administrative Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas Binnewies, Sheriff</td>
<td>Andrea Stewart, Adm. Asst. to Sheriff</td>
</tr>
<tr>
<td>Mariposa County</td>
<td>Mariposa County</td>
</tr>
<tr>
<td>P.O. BOX 276</td>
<td>P.O. BOX 276</td>
</tr>
<tr>
<td>Mariposa, CA 95338-0276</td>
<td>Mariposa, CA 95338-0276</td>
</tr>
<tr>
<td>Email: dbinnewies@mariposa county.org</td>
<td>Email: astewart@mariposa county.org</td>
</tr>
</tbody>
</table>
Cooperator Alternate Contact
Jeremy Briese, Captain
Mariposa County
P.O. BOX 276
Mariposa, CA 95338-0276
Telephone: 209-966-3615
FAX: 209-742-5090
Email: j briese@mariposacounty.org

Principal U.S. Forest Service Contacts:

<table>
<thead>
<tr>
<th>U.S. Forest Service Program Manager Contact #1</th>
<th>U.S. Forest Service Administrative Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diana Nichols, Special Agent</td>
<td>Debby Gabriel, Program Budget Analyst</td>
</tr>
<tr>
<td>Stanislaus and Sierra National Forests</td>
<td>Pacific Southwest Regional Office – LEI</td>
</tr>
<tr>
<td>19777 Greenley Rd.</td>
<td>1323 Club Drive</td>
</tr>
<tr>
<td>Sonora, CA 95370-5909</td>
<td>Vallejo, CA 94592</td>
</tr>
<tr>
<td>Fax: 209-532-5415</td>
<td>FAX: 707-562-9031</td>
</tr>
<tr>
<td>Email: dl <a href="mailto:nichols@fs.fed.us">nichols@fs.fed.us</a></td>
<td>E-mail: dg <a href="mailto:abriel@fs.fed.us">abriel@fs.fed.us</a></td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>U.S. Forest Service Program Coordinator Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kent Delbon, Assistant Special Agent in Charge</td>
</tr>
<tr>
<td>Pacific Southwest Regional Office – LEI</td>
</tr>
<tr>
<td>1323 Club Drive</td>
</tr>
<tr>
<td>Vallejo, CA 94592</td>
</tr>
<tr>
<td>Office: 707-562-8649</td>
</tr>
<tr>
<td>FAX: 707-562-9031</td>
</tr>
<tr>
<td>E-mail: kdel <a href="mailto:bon@fs.fed.us">bon@fs.fed.us</a></td>
</tr>
</tbody>
</table>

II. CONTROLLED SUBSTANCE OPERATIONS

Pursuant to IV-1 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 MCS 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 MCS 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 MCS 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:** MCS 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 MCS 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. MCS 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 MCS mutually agree to the following:

1. The following rate schedule will apply to all expenditures that may be reimbursed to MCS under this agreement:

   2. **Salary (base)**
      
      $29.08 per hour
      
      **Sergeant**
      
      $36.51 per hour
      
      **Salary (overtime)**
      
      $Base +1/2 per hour
      
      **Per Diem cost**
      
      $34.00 ME&I + $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 MCS that may be reimbursed may not exceed.... $12,000.
   
The total expenditures for item A.4 may not exceed...... 10% of the total allocation.

3. **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:


MCS 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:

   Debby Gabriel, BA  
Pacific Southwest Regional Office - LEI  
1323 Club Drive  
Vallejo, CA 94592

   Send photo copy to:  
   Diana Nichols, Special Agent  
   Stanislaus National Forest  
   19777 Greenley 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

c. Final billings for reimbursement on this Annual Operating Plan (AOP) must be received by the U.S. Forest Service before October 31, 2015 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 for the verification of the EFT (Electronic Funds Transfer) banking information.

   Job Code: NFLE0514 1360 $922.77
   Job Code: NFLE0515 1360 $11,077.23
In witness whereof, the parties hereto have executed this Annual Operating Plan as of the last date written below.

<table>
<thead>
<tr>
<th>County grants and Agreements Specialist</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOUGLAS BINNEWIES, Sheriff</td>
<td>3/20/2015</td>
</tr>
<tr>
<td>MARIPOSA County</td>
<td></td>
</tr>
<tr>
<td>MERLIN JONES, Chairperson</td>
<td>4/9/15</td>
</tr>
<tr>
<td>MARIPOSA County Board of Supervisors</td>
<td></td>
</tr>
<tr>
<td>SCOTT HARRIS, Special Agent in Charge</td>
<td>4/15/15</td>
</tr>
<tr>
<td>U.S. Forest Service, Pacific Southwest Region</td>
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The authority and format of this agreement has been reviewed and approved for signature.

<table>
<thead>
<tr>
<th>CONSTANCE ZIPPERER</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Forest Service, Pacific Southwest Region</td>
<td>13 February 2015</td>
</tr>
<tr>
<td>Grant Management Specialist</td>
<td></td>
</tr>
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**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] or (866) 632-1115 (TDD) or (866) 632-9992 (TDD). USDA is an equal opportunity provider and employer.