



RESOLUTION No. 19-440

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 3 (MODIFICATION NO. 006) TO THE COOPERATIVE LAW ENFORCEMENT AGREEMENT NO. 17-LE-1105-1360-018 BETWEEN THE NEVADA COUNTY SHERIFF'S OFFICE AND THE USDA FOREST SERVICE, TAHOE NATIONAL FOREST ADOPTING THE 2019 CONTROLLED SUBSTANCE ANNUAL OPERATING AND FINANCIAL PLAN

WHEREAS, Resolution 17-154 authorized the execution of a Cooperative Law Enforcement Agreement ("Agreement") No. 17-LE-1105-1360-05 with the U.S. Department of Agriculture, Forest Service, Tahoe National Forest pertaining to law enforcement services provided by the Sheriff's Office on National Forest Service lands; and

WHEREAS, the Agreement requires an Annual Operating and Financial Plan for each federal fiscal year of the Agreement; and

WHEREAS, Resolution 18-153 authorized an amendment to the Agreement by replacing Exhibits A and B, establishing a negotiated operating cost for law enforcement services in the amount of \$24,000, for the operational period October 1, 2017 through September 30, 2018; and

WHEREAS, Resolution 19-207 authorized a second amendment to the Agreement by replacing Exhibit A, establishing a negotiated operating cost for law enforcement services in the amount of \$12,000, for Campground Patrol for the operational period October 1, 2018 through September 30, 2019; and

WHEREAS, the parties desire to enter into a third amendment to the Agreement to replace Exhibit B to continue providing controlled substance law enforcement services, and establish a negotiated operating cost in the amount not to exceed \$12,000, for controlled substance enforcement for the operational period October 1, 2018 through September 30, 2019.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors, of the County of Nevada, State of California, that the Chair of the Board of Supervisors be and is hereby authorized to execute, on behalf of the Nevada County Sheriff's Office, that Amendment No. 3 (Modification No. 006) to the Cooperative Law Enforcement Agreement No. 17-LE-1105-1360-018 pertaining to controlled substance enforcement services on National Forest Service lands, for the period beginning October 1, 2018 and ending September 30, 2019, in the amount not to exceed \$12,000 as detailed in the new Exhibit B.

Revenue: 0101 20201 152 1000 446310

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a special meeting of said Board, held on the 13th day of August, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 



Richard Anderson, Chair

8/13/2019 cc: Sheriff
AC* (Hold)

9/13/2019 cc: Sheriff*
AC* (Release)

AMENDMENT #3 TO CONTRACT WITH

United States Department of Agriculture, Forest Service, Tahoe National Forest

THIS AMENDMENT is executed this 13th day of August, 2019 by and between United States Department of Agriculture, Forest Service, Tahoe National Forest and the Nevada County Sheriff's Office Said Amendment (modification No. 006) will amend the prior Agreement No. 17-LE-1105-1360-018 between the parties entitled Cooperative Law Enforcement Annual Operating Plan and Financial Plan executed on the 11th day of April, 2017 by Resolution No. 17-154, and which Agreement was subsequently amended on the 24th day of April, 2018 by Resolution No. 18-153, and on the 28th day of May, 2019 by Resolution No. 19-207.

WHEREAS, the parties desire for the Nevada County Sheriff's Office to continue providing law enforcement services in the Tahoe National Forest; and

WHEREAS, the parties are required to negotiate an operating plan for each year during the term of the Agreement to establish the annual cost for providing services; and

WHEREAS, the negotiated cost to be billed by the County of Nevada for the services provided by the Agreement shall not exceed \$12,000 for FY 2019; and

NOW, THEREFORE, the parties hereto agree as follows:

1. This amendment shall be effective as of August 13, 2019.
2. That the 2018 Controlled Substance Annual Operating and Financial Plan, Exhibit 'B' shall be amended by replacing it with the 2019 Controlled Substance Annual Operating and Financial Plan in the attached Exhibit 'B'.
3. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

APPROVED AS TO FORM:
COUNTY COUNSEL

By: 
Alison Barratt-Green
County Counsel

COUNTY OF NEVADA

By: 
Honorable Richard Anderson
Chair of the Board of Supervisors

ATTEST:

By: 
Julie Patterson Hunter
Clerk of the Board of Supervisors

CONTRACTOR:

By: 



FS Agreement No. 17-LE-11051360-018
Cooperator Agreement No. _____
Modification No. 006

EXHIBIT B**COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN &
FINANCIAL PLAN**

**Between The
NEVADA COUNTY SHERIFF'S OFFICE
And the
USDA, FOREST SERVICE
TAHOE NATIONAL FOREST**

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 Nevada County Sheriff's Department, hereinafter referred to as "NCSO," and the USDA, Forest Service, Tahoe National Forest, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #17-LE-11051360-018 executed on April 21, 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.

Prior Year Carryover \$5,016.24

FY 2019 Obligation: \$6,983.76

FY 2019 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:

Cooperator Program Contact	Cooperator Administrative Contact
Shannan Moon, Sheriff Nevada County 950 Maidu Ave. Nevada City, CA 95959-8600 Telephone: (530) 265-1471 FAX: (530) 470-0439 E-mail: Shannan.Moon@co.nevada.ca.us	Rosie Kelly Nevada County 950 Maidu Ave. Nevada City, CA 95959-8600 Telephone: (530) 265-1398 FAX: (530) 470-0439 E-mail: Sherifffinance@co.nevada.ca.us

**Cooperator Alternate Contact**

Justin Martin, Sergeant
Nevada County
950 Maidu Ave.
Nevada City, CA 95959-8600
Telephone: (530) 265-1713
FAX: (530) 470-6611
E-mail: Justin.Martin@co.nevada.ca.us

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Sophia Fong, Special Agent Tahoe National Forest 631 Coyote St. Nevada City, CA 95959 Telephone: (928) 606-0072 FAX: (530) 478-6179 E-mail: sophia.fong@usda.gov	Laurie Necaie, Program Support Assistant Pacific Southwest Regional Office – LEI 1323 Club Drive Vallejo, CA 94592-1110 Office: 707-562-8720 FAX: 707-562-9031 E-mail: laurie.pleva@usda.gov
U.S. Forest Service Program Coordinator Contact	U.S. Forest Service Grants & Agreements Contact
Pete Jordan Assistant Special Agent in Charge Pacific Southwest Regional Office – LEI 1323 Club Drive Vallejo, CA 94592-1110 707-562-8662 (office) FAX: 707-562-9031 E-mail: peter.jordan@usda.gov	Geraldine C. Bordash (Gerri) Grants Management Specialist Pacific Southwest Regional Office 1323 Club Drive Vallejo, CA 94592-1110 Telephone: 707-562-8782 FAX: 707-562-9144 Email: gerri.bordash@usda.gov

II. CONTROLLED SUBSTANCE OPERATIONS

Pursuant to IV- J of Agreement No. 17-LE-11051360-018, 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 **NCSO** 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 **NCSO** 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 **NCSO** 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: **NCSO** 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 **NCSO** 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. NCSO 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 NCSO mutually agree to the following:

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

Salary (base)	\$52.49 (\$78.84 overtime) per hour
Salary (Reserve)	\$31.00 (\$46.50 overtime) per hour
Per diem costs	\$39/M&IE + \$60/Lodging
Travel (mileage and fares)	\$0.50 per mile
Helicopter flight time	Actual documented costs
Supplies or equipment	Actual documented costs

2. The total expenditures of NCSO 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.



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

SHANNAN MOON, Sheriff
Nevada County

8/16/19

Date

RICHARD ANDERSON
Chairperson, Board of Supervisors
Nevada County

8/13/2019

Date

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

8/27/19

Date

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

GERALDINE C. BORDASH
U.S. Forest Service, Grants Management Specialist

05/15/2019

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.



NCSO 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:

Laurie Necaise, Administrative Specialist
Pacific Southwest Regional Office - LEI
1323 Club Drive
Vallejo, CA 94592-1110

Send photo copy to:
Sophia Fong, Special Agent
Tahoe National Forest
631 Coyote St.
Nevada City, CA 95959

- 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, 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 for the verification of the EFT (Electronic Funds Transfer) banking information.**

Job Codes:	NFLE5118	1360	\$5,016.24
	NFLE5119	1360	\$6,983.76

Law Enforcement Billing Summary
Drug

USDA Forest Service, Tahoe NF	County: NEVADA
-------------------------------	----------------

Law Enforcement Billing Summary	Month:	Year:
---------------------------------	--------	-------

Check appropriate block: _____ Coop Patrol <input checked="" type="checkbox"/> Controlled Substance Operations
--

A. Total Patrol/Labor Hours:	
B. Rate per Hour:	\$
C. Total Salary Reimbursement: (subtotal 1)	\$
D. Other Allowable Reimbursements: (mileage, dispatch, court, clerical, equipment, etc.)	
1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
4. _____	\$ _____
E. Total of D1 - D4 (subtotal 2)	\$
F. Total Invoice Reimbursement:	\$
G. Total Reimbursement for Maximum Op Plan Amt:	\$

Certification Statement

County Sheriff		USFS Special Agent	
I certify the above billing/invoice is accurate and complete.		I certify services have been received as stated.	
Sheriff	Date	USFS Special Agent	Date

<div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> USDA Forest Service </div> <div style="display: inline-block; vertical-align: middle; margin-left: 20px;"> LAW ENFORCEMENT ACTIVITY REPORT <small>(Ref. FSM 5300)</small> </div>				Agreement Number 17-LE-11051360-018			
				Initial <input checked="" type="checkbox"/> Follow Up <input type="checkbox"/>			
1. Cooperator (Department Name): Nevada County Sheriff's Dept.			2. National Forest: Tahoe NF				
3. Record (1)		4. Action Code (2) (FS Use Only) U-Update		5. Unit Identification (3-11)			
				Region	Forest		
				05	17		
				State	County		
				CA	Nevada		
7. Patrol Units (16-18)		8. Search and Rescue Missions		9. Property Stolen (25-30)			
		Hours (19-22)		Dollars			
10. Property Recovered (31-36)			11. Controlled Substances Seized (37-45)				
Dollars			Dollars (Street Value)				
12. Record (1)		13. Number of Crimes Occurring on National Forest System Lands					
13a. Item # (16-17)	13b. Type of Crime		13c. Coop Agreement Reimbursed Activity (18-20)		13d. Non-Coop Agreement Activities (21-23)		
PART I - FBI UNIFORM CRIME REPORTING							
01	Criminal Homicide						
02	Forcible Rape						
03	Robbery						
04	Aggravated Assault						
05	Burglary - Breaking or Entering						
06	Larceny - Theft (Except Motor Vehicle)						
07	Motor Vehicle - Theft						
08	Arson						
PART II - FBI UNIFORM CRIME REPORTING							
09	Other Assaults (simple)						
10	Stolen Property by Buying, Receiving, Possessing						
11	Vandalism						
12	Weapons - Carry, Possessing						
13	Narcotic Drug Law						
14	Driving Under the Influence						
15	Liquor Laws						
16	Drunkenness						
17	Disorderly Conduct						
18	All Other Offenses						
PART III - COOPERATOR ASSISTS							
19	Assists to Forest Service Officers						
20	Assists to Public						
Remarks:							
NOTE: This document is for OFFICIAL USE ONLY. It and its contents are not to be distributed outside your agency, nor duplicated, without prior approval of the USDA, Forest Service, Law Enforcement and Investigations.							