

RESOLUTION No. 19-207

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 2 TO THE COOPERATIVE LAW ENFORCEMENT AGREEMENT NO. 17-LE-1105-1360-018 BETWEEN THE NEVADA COUNTY SHERIFF'S OFFICE AND THE UNITED STATES DEPARTMENT OF AGRICULTURE (U.S.D.A.) FOREST SERVICE, TAHOE NATIONAL FOREST ADOPTING THE 2019 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 Exhibit A, establishing a negotiated operating cost for law enforcement services in the amount of \$12,000, for the operational period October 1, 2017 through September 30, 2018; and

WHEREAS, the parties desire to enter into a second amendment to the Agreement to continue providing these law enforcement services, and establish a negotiated operating cost in the amount not to exceed \$12,000, 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 County of Nevada, that Amendment No. 2 to the Cooperative Law Enforcement Agreement pertaining to law 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 A.

Funding: 0101 20201 152 1000 446310

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 28th day of May, 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: Julie Patterson Hunter

5/28/2019 cc: Sheriff*
AC* (Hold)

7/25/2019 cc: Sheriff (4)
AC* (Hold)

Rich

Richard Anderson, Chair

12/19/2019 cc: Sheriff*
AC*(release)

AMENDMENT #2 TO CONTRACT WITH

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

THIS AMENDMENT is executed this 28th day of May, 2019 by and between United States Department of Agriculture, Forest Service, Tahoe National Forest and COUNTY OF NEVADA. Said Amendment will amend the prior Agreement between the parties entitled Cooperative Law Enforcement Annual Patrol Operations 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.

WHEREAS, the parties desire for the 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; and

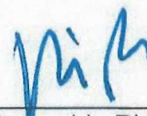
NOW, THEREFORE, the parties hereto agree as follows:

1. This amendment shall be effective as of May 28, 2019.
2. That the 2018 Annual Operating and Financial Plan, Exhibit 'A' shall be amended by replacing it with the attached Exhibit 'A'.
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
Modification No. Mod 005
Cooperator Agreement No. _____

EXHIBIT A**COOPERATIVE LAW ENFORCEMENT ANNUAL PATROL OPERATIONS PLAN &
FINANCIAL PLAN**

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

2019 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 "the Cooperator," and the USDA, Forest Service, the Tahoe National Forest, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #17-LE-1105-1360-018 executed on February 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 1, 2018 and ending September 30, 2019.

Previous Year Carry-over: \$ 7,807.74
Current Fiscal Year Obligation: \$ 4,192.26
FY2019 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 |
|---|---|
| Sam Brown Operations Lieutenant Nevada County Sheriff's Office 950 Maidu Ave. Nevada City, CA, 95959 Telephone: 530.265.7194 1471 Email: sam.brown@co.nevada.ca.us | Donna Nelson Chief Fiscal officer Nevada County Sheriff's Office 950 Maidu Ave. Nevada City, CA, 95959 Telephone: 530.265.1397 1471 Fax: 530.470.0439 Email: SheriffFinance@co.nevada.ca.us |

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

| U.S. Forest Service Program Manager Contact | U.S. Forest Service Administrative Contact |
|--|---|
| Gerald Parker, Patrol Captain 631 Coyote Street Nevada City, CA 95959 Telephone: 530-836-7118 FAX: 530-478-6179 Email: gerald.parker@usda.gov | Melissa Ewing 631 Coyote Street Nevada City, CA 95959 Telephone: 530-478-6166 FAX: 530-478-6179 Email: melissaewing@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 |

B. Reimbursement for all types of enforcement activities shall be at the following rates unless specifically stated otherwise. The following rates include wages, fringe benefits, and equipment:

1. *Regular Deputies:* For the services provided in Section II, the Forest Service agrees to reimburse the Cooperator at a rate not to exceed **\$52.49** per hour and **\$.50** per mile.
2. *Reserve Deputies:* For the services provided in Section II, the Forest Service agrees to reimburse the Cooperator at a rate not to exceed **\$31.00** per hour and **\$.50** per mile.

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. The emphasis for patrols should focus on periods of higher visitor use such as Friday evenings, Saturday days, evenings, nights, and Sunday mornings, primarily between Memorial and Labor Day holiday weekends with potential extra emphasis on the Independence Day weekend, or as otherwise requested by the Forest Service. Actual work schedules will be negotiated between the designated representatives a minimum of 24 hours in advance. Ample time will be spent in each area to make residents and visitors aware that law enforcement officers are in the vicinity.

B. Patrol in the following campgrounds, developed sites, and dispersed areas:

Boca Reservoir
White Clout

Prosser Lake
Skilman

Meadow Lake
Bowman Lake



| | | |
|--|---------------|------------------|
| Canyon Creek | Jackson Creek | Faucherie |
| Fuller Lake | Carr Lake | Feeley Lake |
| Lindsey Lake | Pierce Meadow | Rattlesnake Road |
| South Fork Yuba River, including Washington, Kelher, and Golden Quartz | | |

Patrols shall be conducted on a call when needed basis or as scheduled by the Forest Service designated representative.

When requested by the Forest Service designated representative, and as resources are available, the Cooperator will assist the Forest Service in conducting support activities related to the enforcement and investigation of violations of criminal law as they pertain to the mission of the Forest Service.

Total reimbursement for this category shall not exceed the amount of: \$12,000

-
- C. Cooperator personnel assigned to duties in Section II must be regular employees of the Nevada County Sheriff's Office with at least POST certification to operate in a solo-officer capacity. The Cooperator's assigned personnel will utilize the County's standard equipment and vehicle, or perform foot patrol, and will be in standard uniform at all times, unless otherwise requested by the Forest Service.

The assigned Deputy will possess a Forest Service radio and maintain communications with Grass Valley ECC Dispatch, including going in and out of service, at all times during the patrols.

Duties for that day or time period will be entirely Forest Service oriented and patrol the areas at the request of the Forest Service designated representative. The assigned Deputy should not generally be available for routine calls for service other than those at the request of the Forest Service. Since the billable period is an hour, any calls off National Forest land that result in absence for an hour or more, will be documented and will not be billable. Patrols should be conducted with a designated Forest Officer accompanying the Deputy, as available.

For each patrol shift, the Deputy will complete and turn in a Daily Field Activity Report (DFAR, FS 5300-26, attached). The Sheriff's Deputy will complete the report after each activity and give to the Forest Service designated representative bi weekly.

The Cooperator will complete and submit to the Forest Service the Forest Service Cooperative Law Enforcement Activity Report (FS 5300-5, attached) identifying the number of crimes occurring on NFS lands. The report shall follow the FBI Uniform Crime Reporting groupings, Part I and Part II offenses. Offenses and arrest information shall be combined and reported for each crime. This report shall separate the crimes handled under this agreement from those handled by the cooperator during regular duties. Both report forms are attached to this Exhibit and/or the Cooperative Agreement. Each Forest Service designated representative will also provide the forms as needed.



The Cooperator may not be reimbursed for the services of personnel who are employed by the Forest Service in a law enforcement capacity and are also Reserve Officers of the Cooperator.

III. EQUIPMENT AND SUPPLIES:

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

The Forest Service will loan those surplus items that will further the cooperative effort. These items are property, but in most cases will be expendable. The items will be tracked and accounted for by the Tahoe National Forest Patrol Captain. Items will be returned to the Forest Service when no longer needed and will report the damage or destruction of such property when applicable or no longer serviceable.

If any of these surplus items have original high value, serial numbers, sensitivity in storage, security or use, they will be loaned and accounted for on an amendment to this operating plan.

If the equipment is abused or neglected, as determined by the Forest Service, the Cooperator may be billed for the repairs or replacement of like equipment.

IV. 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 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.

Cooperator will notify Grass Valley Emergency Command Center of all known search and rescues and/or injury/fatality incidents that occur on National Forest System lands as soon as possible.

V. BILLING FREQUENCY:

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

For services requested in items I, II and agreed to under II and IV, reimbursement will be based upon itemized bills furnished monthly, along with certification that the services have been performed. Final billings for reimbursement must be received by the Forest Service before December 31, 2019.

- a. Mail copies of itemized billing statements and patrol logs to:

Melissa Ewing
Law Enforcement & Investigations
631 Coyote Street
Nevada City, CA 95959

- b. The Albuquerque Service Center (ASC) is the payment center for all payments. Do not send backup documents to the ASC. Send only the hard copy invoice & Law Enforcement Billing Summary to the ASC via any of the following three options:

1. US Forest Service
Albuquerque Service Center
Payment – Grants and Agreements
1001 B Sun Ave NE



Albuquerque, NM 87109

2. Or FAX to : 877.687.4894 – Attn: Payments, Grants and Agreements
3. Or e-mail scanned invoice to: asc_g&a@fs.fed.us

NOTE: Annually update the Central Contractors Registration (CCR) of the County Sheriff's DUNS# on the CCR website at www.ccr.gov for the verification of the Electronic Funds Transfer (EFT) banking information.

- A. 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 | \$12,000 | |
| Training | N/A | |
| Equipment and Supplies | N/A | |
| Dispatch | N/A | |
| Special Enforcement Situations | | |
| Total | \$12,000 | |

- B. 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 deobligated at the request of the U.S. Forest Service. *See Cooperative Law Enforcement Agreement Provision IV-D.*



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


SHANNAN MOON, Sheriff
Nevada County

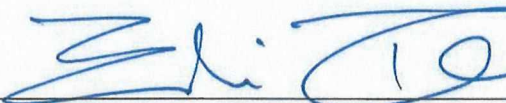
6/28/2019

Date


Nevada County ~~Council~~ Board of Supervisors

7/18/2019

Date


ELI ILANO, Forest Supervisor
U.S. Forest Service, Tahoe National Forest

6.28.19

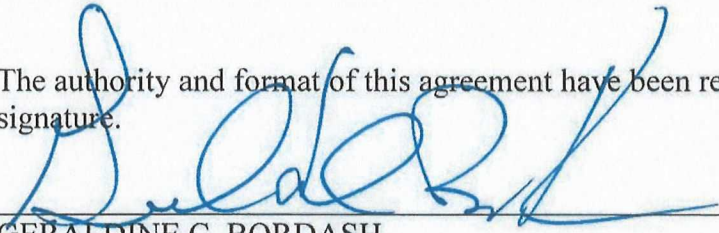
Date


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

7/6/19

Date

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


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

06/27/2019

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.

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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.

Law Enforcement Billing Summary
PATROL

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

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

| |
|---|
| Check appropriate block: <input checked="" type="checkbox"/> Coop Patrol <input 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 Patrol Captain | |
|---|------|--|------|
| I certify the above billing/invoice is accurate and complete. | | I certify services have been received as stated. | |
| Sheriff | Date | USFS Patrol Captain | Date |



USDA
Forest Service

**LAW ENFORCEMENT ACTIVITY
REPORT**
(Ref. FSM 5300)

Agreement Number
12-LE-11051360-005

Initial ☐ Follow Up ☐

| | | | | | |
|---|--|--|--|---------------------------------------|----------------|
| 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) | | | 6. Date (12-5) |
| | | Region | Forest | State | County |
| | | 05 | 17 | CA | Nevada |
| 7. Patrol Units (16-18) | | 8. Search and Rescue Missions Hours (19-22) | | 9. Property Stolen (25-30) Dollars | |
| | | | | | |
| 10. Property Recovered (31-36) Dollars | | | 11. Controlled Substances Seized (37-45) 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:

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