



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY
County Administrator

May 12, 2017

Kerwin Dewberry, Forest Supervisor
United States Forest Service
300 West Congress Street
Tucson, Arizona 85701

Re: **2017 Cooperative Law Enforcement Agreement between Pima County and the US Forest Service**

Dear Mr. Dewberry:

This 2017 Cooperative Law Enforcement Agreement will be on the Board of Supervisors Agenda on May 16, 2017. I approved its placement on that agenda, but I will recommend to the Board that the contract be extended for a six-month period only. During this period, I would expect that the terms and conditions of this Agreement will be renegotiated. I have discussed this matter with Sheriff Mark Napier, and it is clear the County is not being appropriately reimbursed for services provided to the US Forest Service (USFS) for law enforcement.

As you can see, as little as five years ago, we received over twice as much revenue as we are receiving today. As I noted to the Sheriff, it is likely the amount of revenue received does not even cover the cost of vehicle mileage charges associated with patrolling the various facilities and campgrounds of the USFS.

This agreement will be terminated at the end of the six-month period unless a more equitable revenue sharing agreement can be negotiated.

Sincerely,

A handwritten signature in black ink, appearing to read "C.H. Huckelberry", is written over a large, sweeping flourish that extends to the right and then curves back down.

C.H. Huckelberry
County Administrator

Enclosures

c: The Honorable Chair and Members, Pima County Board of Supervisors
The Honorable Mark Napier, Pima County Sheriff



PIMA COUNTY SHERIFF'S DEPARTMENT

Mark D. Napier, Sheriff

M E M O R A N D U M

Date: May 5, 2017
To: Sheriff M. Napier
From: Chief K. Woolridge, Operations Bureau
Subject: Cooperative Law Enforcement Agreement: US Forest Service

The current Cooperative Law Enforcement Agreement between the USDA, Forest Service, Coronado National Forest and the Pima County Sheriff's Department was executed December 6, 2011. The recent proposed Operating Plan is for the period of January 1, 2017 to December 31, 2017 in the amount of \$19,000. The agreement provides this \$19,000 funding for "Patrol Activities." Additional reimbursements may be sought for special enforcement situations including fire emergencies.

The following information reflects the funding level of the Cooperative Law Enforcement Agreement in past years:

- FY 07/08	\$6,300
- FY 08/09	\$31,300
- FY 09/10	\$31,300
- FY 10/11	\$31,300
- FY 11/12	\$42,536.71
- FY 12/13	\$31,300
- FY 13/14	\$31,300
- FY 13/14	\$22,217.05
- FY 14/15	\$18,400
- FY 15/16	\$19,000

This funding has decreased from a peak of \$42,536 in 2011 to the present level of \$19,000.

The Department has two deputies assigned to and residing on Mt. Lemmon. These deputies live in Department provided housing on Forest Service lands. Additional personnel from the Department are deployed to Mt. Lemmon area calls as necessary based on staffing, call loads, and other variables such as search and rescue missions and investigatory follow up.

The following annual costs apply for the two deputies assigned full time to Mt. Lemmon:

- Salary & EREs	\$240,800
- Motor Pool	\$27,500
- Utilities	\$10,500 (includes electricity, Internet, gas, and water)

The total estimated yearly costs for these two deputies are \$278,800.

Deputies respond to calls for service in Summerhaven (unincorporated Pima County) and on Forest Service lands, especially along Catalina Highway. The following reflects call activities in these areas:

	2014	2015	2016	2017 YTD
All Mt. Lemmon calls	554	530	618	179
Summerhaven calls	111	124	153	42

As indicated, in recent years less than 25% of calls for service on Mt. Lemmon occur in Summerhaven, which is unincorporated Pima County and within our primary jurisdiction. Over 75% of calls in the Mt. Lemmon area occur on USFS land. The \$19,000 in reimbursement for patrol activities accounts for less than 7% of the costs of stationing two deputies full time on the mountain.



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

333 Broadway, SW
Albuquerque, NM 87102
FAX (505) 842-3800
V/TTY (505) 842-3292

File Code: 1580

Date: Thursday, April 06, 2017

Karl Woolridge, Bureau Chief
Pima County Sheriff's Department
1750 E. Benson Hwy., Tucson, AZ 85714

Reference: Law Enforcement Agreement No. 12-LE-11030518-003
Project Title: FY 2017 Annual Operating Plan and Financial Plan

Dear Mr. Woolridge,

Included in this mailing is one (1) copy of modification 006 to agreement 12-LE-11030518-003, for your organizations signature. Upon obtaining all signatures, please send the completed packet back to me for final U.S. Forest Service signature and execution to the address below:

Iris G. Almazan, Grants Management Specialist
Coronado National Forest
300 W. Congress FB42
Tucson, AZ 85701

Your organization will receive a fully signed and executed copy after the agreement has been processed. We appreciate the opportunity to work with you. If you have questions, feel free to contact me at ialmazan@fs.fed.us, or 520.388.8310.

Sincerely,

IRIS G. ALMAZAN
Grants Management Specialist





MODIFICATION OF GRANT OR AGREEMENT

PAGE 1 OF PAGES 9

1. U.S. FOREST SERVICE GRANT/AGREEMENT NUMBER: 12-LE-11030518-003		2. RECIPIENT/COOPERATOR GRANT or AGREEMENT NUMBER, IF ANY:		3. MODIFICATION NUMBER: 006	
4. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING GRANT/AGREEMENT (unit name, street, city, state, and zip + 4): Coronado National Forest c/o Cheri Bowen, Patrol Captain 300 W. Congress St, Tucson, AZ 85701			5. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4):		
6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip + 4, county): Pima County Sheriff's Department c/o Karl Woolridge, Bureau Chief 1750 E Benson Hwy., Tucson, 85714			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 checked="" type="checkbox"/>	CHANGE IN PERFORMANCE PERIOD: 2017 AOP - January 1, 2017 to December 31, 2017
<input checked="" type="checkbox"/>	CHANGE IN FUNDING: Increase funding in the amount of \$19,000 for patrols on NFS lands (Exhibit A)
<input checked="" type="checkbox"/>	ADMINISTRATIVE CHANGES: Update Program and Administrative Contacts for both parties as shown in the 2017 AOP.
<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):
Establish 2017 Operating Plan and increase funding for patrols on NFS lands.

10. ATTACHED DOCUMENTATION (Check all that apply):

<input type="checkbox"/>	Revised Scope of Work
<input type="checkbox"/>	Revised Financial Plan
<input checked="" type="checkbox"/>	Other: 2017 Annual Operating Plan (Exhibit A.)

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. PIMA COUNTY SIGNATURE	11.B. DATE SIGNED	11.C. U.S. FOREST SERVICE SIGNATURE	11.D. DATE SIGNED
(Signature of Signatory Official)		(Signature of Signatory Official)	
11.E. NAME (type or print): SEE ATTACHED SIGNATURE PAGE		11.F. NAME (type or print): SEE ATTACHED SIGNATURE PAGE	
11.G. TITLE (type or print):		11.H. TITLE (type or print):	

12. G&A REVIEW

12.A. The authority and format of this modification have been reviewed and approved for signature by: CARMEN O. MELENDEZ U.S. Forest Service Grants & Agreements Specialist	12.B. DATE SIGNED 3/28/2017
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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 30 minutes 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.

EXHIBIT A

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

**Between The
 PIMA COUNTY SHERIFF'S DEPARTMENT
 And the
 USDA, FOREST SERVICE
 CORONADO NATIONAL FOREST**

2017 ANNUAL OPERATING PLAN

This Annual Financial and Operating Plan (Annual Operating Plan), is hereby made and entered into by and between the Pima County Sheriff's Department, hereinafter referred to as "the Sheriff's Department," and the USDA, Forest Service, Coronado National Forest, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #12-LE-11030518-003 executed on December 6, 2011. This Operating Plan is made and agreed to as of the last date signed below and is for the period beginning January 1, 2017 and ending December 31, 2017.

2017 Total Annual Operating Plan: \$19,000.00

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.

Principle Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Karl Woolridge, Bureau Chief Pima County Sheriff's Department 1750 E. Benson Highway Tucson, AZ 85714 Telephone: (520) 351-6204 FAX: (520) 351-4746 Email: karl.woolridge@sheriff.pima.gov	Julia Riley, Financial Services Supervisor Pima County Sheriff's Department 1750 E. Benson Highway Tucson, AZ 85714 Telephone: (520) 351-4734 FAX: (520) 351-4746 Email: Julia.riley@sheriff.pima.gov

Principle U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Cheri Bowen, Patrol Captain Coronado National Forest 300 W. Congress St. Tucson, AZ 85701 Telephone: (520) 388-8430 FAX: 520-388-8431 Email: cbowen@fs.fed.us	Iris Almazan, Grants Specialist Coronado National Forest 300 W. Congress Street Tucson, AZ 85701 Telephone: (520) 388-8310 FAX: (520) 388-5331 Email: ialmazan@fs.fed.us

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

Mileage will be reimbursed at the prevailing rate depending on vehicle(s) used for patrols*.

Wages (salaries + fringe benefits) will be reimbursed at the prevailing rates based on current Cooperator pay plan.

*The Cooperator shall submit a current fleet/mileage rate and a salary rate table; any changes to the rate(s) shall require written notice to the U.S. Forest Service within 30 days of official change in rate(s).

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:

Please see attachment A

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

Please see attachment A

Total reimbursement for this category shall not exceed the amount of: **\$19,000.00.**

Unused dispatch funds may be used for patrol activities, in which case the maximum reimbursement may not exceed the amount of: **\$19,000.00.**

III. TRAINING:

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

Total reimbursement for this category shall not exceed the amount of: \$0.00

IV. EQUIPMENT:

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

Total reimbursement for this category shall not exceed the amount of: \$0.00

V. 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 the 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 and fire severity 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 U.S. 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.

All requests to provide additional law enforcement support on National Forest System lands during extreme fire conditions will become effective and reimbursable only when the Forest Service specifically requests assistance through the Forest Dispatch or Expanded Dispatch Office, a Resource Order Number is provided, and the County Dispatch Office is notified of the request.

Initial attack responses without a Resource Order by the Forest Service are not reimbursable.

Upon request and concurrence by the Sheriff's Department,
The Sheriff's Department shall:

- a. Provide to the Forest Service, fully equipped Sheriff's Deputies who meet the standards of training as listed in the Cooperative Law Enforcement Agreement, Provisions II-B, including appropriate vehicles(s), in numbers requested by the Forest Service to provide law enforcement for fire severity or fire suppression situations. These duties are above and beyond the customary duties that are routinely provided by the Sheriff's Office and will be covered under Special Enforcement Situations. The Sheriff's Deputies will continue to work under the direction of the Sheriff's Department. The Sheriff's Deputies will coordinate their patrol activities with the U.S. Forest Service Patrol Captain, or their designee, while assigned to each specific fire severity or fire suppression patrol area, and coordinate their activities with the Incident Commander while assigned to each specific wildland fire severity or fire suppression situation. All Deputies assigned to a wildland fire severity or fire suppression situation are required to follow Check-in and Demobilization procedures.
- b. Assign Sheriff's Deputies requested by the Forest Service for fire severity or fire suppression situation patrols and law enforcement.
- c. Furnish itemized statements of expenditures to the Forest Service for the fire severity or fire suppression situation services requested by the Forest Service, at the address below:
 - a. Cheri Bowen, Patrol Captain (local unit, as per the Cooperative LE Agreement)
Coronado National Forest
300 W. Congress St.
Tucson, AZ 85701

The Patrol Captain will review and approve the invoice, and forward the invoice and support documentation to Incident Finance for payment.

Billing requests will include the following information:

Cooperator Name, address, phone number and agency financial contact
Invoice or Bill number;
Resource Order number(s);
Appropriate incident number (State code or Forest Service P-code and override);

Cooperative Law Enforcement Agreement number;
Dates of the incident covered by the billing; and
Location and jurisdictional unit of the incident.

Summary cost data for the amount being billed:

Use incident-generated cost reports generated by the Agency to support the billing whenever possible. Summary cost data may include, but not limited to, a list of personnel expenses including base, overtime and travel and a listing by vendor name and amount spent for supplies and services procured.

The Forest Service shall:

- a. Relay requests to the Sheriff's Department to provide fully equipped Sheriff's Deputies, including vehicles, through Forest Service Dispatch or Expanded Dispatch Office to the County Dispatch Office, including specific information on numbers of Deputies needed, tour, location, expected length of duty, authorization for overtime expenditures, and fire severity (S-code) or fire suppression (P-code) for billing. A resource order number must be issued by the Forest Service to support each request. The resource order number will be provided to the Sheriff's Office by the Forest Dispatcher.
 - b. Post each Deputy's time and vehicle mileage to a Fire Time Report (Optional Form 288) to provide documentation to support payment of each itemized statement of expenditures provided by the Sheriff's Department.
 - c. Reimburse the Sheriff's Department for requested fire severity or fire suppression special enforcement situation services that are provided and covered under this Section, at the prevailing rates as per Section I, Paragraph B above.
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.

VI. BILLING FREQUENCY:


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

- A. Billing frequency for sections II, III, and IV shall be quarterly, not to exceed \$19,000.00
- 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	\$19,000.00	N/A
Training	\$0.00	N/A
Equipment	\$0.00	N/A
Special Enforcement Situations	\$0.00	N/A
Total	\$19,000.00	N/A

- C. 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. 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



MARK NAPIER, Sheriff
Pima County Sheriff's Department

5/3/12
Date

SHARON BRONSON, Chair
Pima County Board of Supervisors

Date

ATTEST:

ROBIN BRIGODE, Clerk
Pima County Board of Supervisors

Date

APPROVED AS TO FORM:

SEAN HOLGUIN, Deputy County Attorney
Pima County

Date

For

D.L. Bumpus
KERWIN S. DEWBERRY, Forest Supervisor
U.S. Forest Service, Coronado National Forest

3-24-2017
Date

MICHAEL F. GARDINER, Acting Special Agent in Charge
U.S. Forest Service, Southwestern Region

Date

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

Carmen Melendez
CARMEN O. MELENDEZ, Grants Management Specialist
U.S. Forest Service, Southwestern Region

3/23/2017
Date

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