



Board of Supervisors Memorandum

May 7, 2019

Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586

Background

On March 1, 2019, the Sheriff received two Operation Stonegarden (OPSG) award letters from the Arizona Department of Homeland Security (AZDOHS). To secure these grants, these letters require an affirmative response on or before May 31, 2019. The first letter is notice of an Operation Stonegarden (OPSG) Grant Program award for a total of \$1,218,986—for Overtime (\$1,155,866), Mileage (\$50,000), and Travel (\$13,120). The other letter is also notice of an OPSG Grant Program award for a total of \$595,600—for two (2) License Plate Readers (\$33,600), Aircraft Mount FLIR Camera (\$502,000), and Aviation Fuel (\$60,000). The table below lists all law enforcement agency Stonegarden awards for Federal Fiscal Year (FFY) 2018.

Operation Stonegarden: FFY 2018 Awards

Law Enforcement Agency	Overtime	Travel	Mileage	Equipment	Total
Pima County	\$1,155,866	\$50,000	\$13,120	\$595,600	\$1,814,586
City of Tucson	594,676		10,000		604,676
Sahuarita (combined OT/M)	210,000			16,800	226,800
Oro Valley	75,000		7,200	50,400	132,600
Marana	250,000		5,000	53,800	308,800
City of South Tucson					
TOTAL	\$2,285,542	\$50,000	\$35,320	\$716,600	\$3,087,462

The above FFY 2018 OPSG grant awards were considered by the Community Law Enforcement Partnership Commission (CLEPC) on April 9, 2019 in a two hour, 26 minute meeting. The audio and video of this meeting is available for review at (<http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=448498>).

Ten members of the CLEPC attended the meeting. After input from the Sheriff and his staff and extensive discussion, CLEPC voted 4 to 6 to support the grant; hence, the motion of support failed and the grant award recommendation from CLEPC is negative.

2017 Federal Fiscal Year OPSG Grant Terminated

During much of 2018, the Board of Supervisors debated the purpose and acceptance of the FFY 2017 OPSG Grant and ultimately decided to terminate the grant on September 4, 2018. Notice was provided to AZDOHS of this termination and, pursuant to the subrecipient agreement, all Sheriff Department activities related to OPSG terminated on October 5, 2018. Of this grant, the original personnel overtime and mileage reimbursement totaled \$1,191,208. At termination, \$636,559.93 had been utilized. In addition, none of the capital equipment had been purchased. Pima County's termination of this OPSG grant returned \$792,615.07 of the grant award.

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

Page 2

AZDOHS and US Customs and Border Protection (CBP) have now reallocated this amount. This funding was reallocated to: Pinal County Sheriff's Department for aircraft surveillance equipment (\$697,318), Tucson Police Department (\$57,414), Sahuarita PD (\$41,400), Marana PD (\$117,000) and Oro Valley PD (\$22,500) and to the Arizona Department of Public Safety (\$190,928). The total reallocation amount of \$1,126,560 includes Pima County (\$792,615). The funds rejected by the Pima County Sheriff were reallocated to other law enforcement agencies in the region, including some within Pima County. OPSG funds continue to be utilized directly within Pima County, but not by the Pima County Sheriff's Department. The Board and concerned residents have no transparency or input into Stonegarden expenditures/operations in these other police organizations. They have not adopted the same policies as the Sheriff with respect to utilization of Stonegarden funding.

Increasing Concerns over OPSG

The County, through the Sheriff's Department, has been receiving OPSG grants for more than a decade. Little concern has ever been expressed over receiving the grants until relatively new Federal border policies were implemented. Concerns regarding these new policies peaked in early 2018 and led to a great deal of requests for additional information related to OPSG as well as a 2017 Inspector General Report—"FEMA and CBP Oversight of Operation Stonegarden Program Needs Improvement"—that strongly criticized OPSG Grant Program accountability. It is important to know that none of the areas for improvement noted in this report directly related to Pima County participation in the program.

Based on these concerns, the newly formed Pima County Criminal Justice Reform Unit began a concerted effort to obtain data and information regarding previous OPSG actions and activities for 2016 and 2017. Our requests were met with varying degrees of cooperation from refusal to provide the information by the Department of Public Safety to the traditional bureaucratic response by the Federal Government, which is to file a Freedom of Information Act (FOIA) request. The most refreshing response regarding information sharing came from the Pima County Sheriff's Department. In fact, no other police agency provided the Daily Activity Reports (DARs) and the data and information requested. I communicated this fact to the Board on March 23, 2018 by stating:

"The Sheriff, to his credit, has agreed to provide copies of the DARs filed by the Pima County Sheriff's Department without the present drama we are experiencing with other requests."

Unfortunately, after reviewing the video of the recent CLEPC meeting, it is now apparent that this openness by the Sheriff and his agency is being mischaracterized in order to argue that his Department is now hiding information, which is incorrect.

We have received more open cooperation and communication from Sheriff Napier and his Department than any other police agency regarding OPSG. If there is any hope in reforming the system, it is only through cooperation with the police agencies receiving funding. The

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

Page 3

cooperation received from Sheriff Napier provides this hope. Reason: "to date" could infer that cooperation would not be expected to continue. It should be remembered that federal legislative reform, based in part on the 2017 Inspector General Report, must be founded on actual evidence that can be provided by police agencies such as our Pima County Sheriff's Department. Therefore, if there is any hope in improving the present program, it rests with continuing our participation in OPSG.

The Sheriff Reforms and Responds to Community Criticism and Input has been Significant

Sheriff Napier has openly discussed appropriate modifications and/or reforms to Sheriff's policies that have not been implemented in the past. He has implemented new policies, and changed old policies, in response to significant community concerns regarding the activity of our police agency as well as how it operates under OPSG. Just a few of these performance and operational changes are itemized below:

- Implementation of Racial Profiling Policy developed in cooperation with our community partners, including the American Civil Liberties Union (ACLU),
- Implementation of a written policy prohibiting inquiry about immigration status of victims/witnesses of crimes unless immigration status was in some way an element of the crime being investigated,
- Implementation of a written policy prohibiting inquiry about immigration status of persons on school grounds unless immigration status was in some way an element of the crime being investigated,
- A written policy prohibiting the staffing of Sheriff's Department personnel at Border Patrol Check Points, unless called there for a specific County related law enforcement activity,
- Elimination of office space for Immigration and Customs Enforcement representatives at the Detention Center,
- Implementation of a tracking system to document every time that Sheriff's Department communications personnel call Border Patrol for assistance,
- A prohibition against using personnel/departments cell phones for the purpose of requesting Border Patrol assistance,
- Development of an improved tracking system to better document Stonegarden related activities to enhance transparency and availability of public information on all Stonegarden activities of the Sheriff,
- A stated commitment to have regular meetings with CLEPC to discuss community concerns regarding Stonegarden operations and a specific commitment to obtain data and other information as requested by CLEPC,
- Ensuring the Sheriff's Department personnel on Stonegarden deployments remain under the control of the Sheriff with a clear understanding they will exit Stonegarden deployment if required for urgent County public safety related needs,
- The Sheriff has made clear his position that department personnel will never be part of the 287G Program (cross-certification of deputies as immigration

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

Page 4

enforcement agents.) Several agencies are 287G certified including the Pinal County who received the largest amount of redistributed Stonegarden funding.

- Requirement that all personnel again review and acknowledge the Racial Profiling Policy prior to participating in Stonegarden operations,
- The requirement to document the specific reason for a traffic stop if no warning or citation is issued when engaged in Stonegarden deployments.

A violation of any of these policies by a deputy make them subject to an internal affairs investigation that could lead to disciplinary action up to their decertification as a law enforcement officer in the State of Arizona.

These concessions are significant and almost unprecedented in the law enforcement community. Essential to demonstrating a lack of racial profiling in law enforcement traffic stops and random enforcement contacts is the policy of the Sheriff that requires every deputy who initiates a traffic stop on a Stonegarden deployment—but who does not issue an actual traffic citation for a violation of Arizona law—to then document what caused the traffic stop to be initiated.

The fact is these policy changes and modifications have been made and are significant and far-reaching. Clearly, Sheriff Napier is attempting to address the concerns of the critics of the OPSG grant and, in my opinion, has done so effectively.

Community Law Enforcement Partnership Commission Public Review, Discussion and Action Regarding the 2019 Operation Stonegarden Grant

Unfortunately, we are judged, or sometimes prejudged, by our incomplete responses to questions and concerns or a lack of understanding of the depth or complexity of a question. After twice reviewing the two-hour, 26 minute CLEPC meeting this is my conclusion of the meeting. Clearly, a number of CLEPC Commissioners felt strongly about present national immigration policies, and a number of law enforcement officials felt strongly about supporting the Sheriff. The result was a mixed bag recommendation regarding the Stonegarden grant. This resulted in a 4 to 6 vote to reject the OPSG grant.

In reviewing the video/audio of the April 9, 2019 CLEPC meeting, it is possible the grant was rejected in part by a belief that a) our local law enforcement staff/Sheriff's deputies are overstressed and cannot accept any additional OPSG overtime, b) assurance by the Sheriff that, regardless of OPSG funding, the County will continue active drug interdiction and other crime fighting activities that may be required because of our proximity to the border, and c) the issue of transparency of the Sheriff and whether he accurately responded to questions of the Chair regarding data and information associated with OPSG.

Many other questions arose at the meeting, all of which can be viewed in the documented video/audio recording of the meeting.

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

Page 5

The Key Issues Raised at the April 9, 2019 CLEPC Meeting Need a Response

Sheriff Deputy Staffing – Each year in the budget process, the Sheriff funds a significant number of unfunded positions, essentially overfunding the Department in a budget maneuver to create excess funds for capital acquisitions such as capital expenses related to the Bomb Squad or the Air Unit. These excess budgeted positions that are unfilled add to the illusion that the Sheriff's Department is understaffed. Based on actual crime statistics, the Sheriff's Department may in fact be overstaffed. That said, Sheriff staffing ratios to the unincorporated population have been consistent for decades.

It must be remembered that the OPSG program funds overtime. Overtime falls in two general categories: "scheduled" and "unscheduled." The overtime that causes staff stress is unscheduled overtime. Scheduled overtime, such as in OPSG, causes little or no staff stress since it can be planned for and scheduled. To the contrary, this type of overtime is highly desired. Furthermore, deputies are never required to work overtime under Operation Stonegarden, they sign up for it. The Sheriff's Department monitors voluntary deputy overtime to ensure that adequate rest periods are maintained. The theory that OPSG is causing staff stress is simply false. Years ago, I talked to a Sheriff Commander regarding staffing ratios and his response to me was, "What would you like them to be?" Accepting this grant will not stress the existing law enforcement staff in the Sheriff's Department. It will, in fact, increase public safety by increasing the presence of law enforcement in those areas where such is needed – i.e., rural western Pima County.

Crime and Drug Interdiction - Another theory being advanced during the CLEPC discussion is that it really does not matter whether we accept the OPSG grant because the Sheriff will continue to do what is necessary regarding crime and drug interdiction. This theory misses the point. The Sheriff and his deputies will answer a call for service during a violation of County or State law by anyone, which includes a call by a Border Patrol Agent - such is appropriate and should continue. What the OPSG grant provides is funding for law enforcement to work in an overall strategy with CBP, and therefore the opportunity to increase the time of law enforcement exposure in locations that otherwise would not occur if the grant had not been received. Such increased exposure clearly increases overall public safety. I believe it is appropriate the federal government share in providing expenses associated with our exposed border areas, particularly in western Pima County by increased County law enforcement through OPSG.

Transparency or Truthfulness of Sheriff in Responding to CLEPC Information Requests – In my review of the April 9, 2019 CLEPC meeting, it is clear there is a trust issue with the Sheriff, but I believe it is misplaced. My view is that this impression arises because of communication. We all want accurate, timely information that is not distorted by bias. The information requested was whether the County had specific information regarding Sheriff's activities related to OPSG. The County previously reported that it had information from a number of police agencies regarding Daily Activity Reports (DARs) filed as a requirement of OPSG. Our information was somewhat inconsistent as some agencies refused to provide

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

Page 6

information while others, such as the Sheriff, openly and freely provided the information without question. This information has not been verified as completely and unquestionably accurate.

The Sheriff, in his response, said that he did not have accurate information because his point of reference comes from the official data systems of the Sheriff commonly referred to as the Spillman System. This was correct from his perspective since it has not been possible to develop the appropriate information reporting protocols within Spillman to ensure that the accurate information is timely and correct. To do so would require extensive programming of the Spillman software system. Instead, Stonegarden data is gathered in a paper system and transferred to an Excel spreadsheet. However, it is important to understand the Sheriff has pledged to provide this information based on developing protocols to gather the information timely and accurately. To ensure this occurs, the Sheriff has directed the implementation of a separate tracking system that accurately captures the data the community has indicated interest in reviewing. This data will be entered into a spreadsheet that makes it easy to query and report on. This information will be made available to CLEPC and published on the Sheriff Department's website. It is clear the Sheriff is now being criticized for not either fully understanding the scope of the question, or responding in what he felt was an accurate response but deemed inaccurate by members of CLEPC since the DARs had been previously provided. It should be remembered his own Department provided the DAR information freely and openly while other law enforcement agencies did not.

In my opinion, claiming the Sheriff is lacking transparency and information disclosure is incorrect. The Sheriff takes a strict view of what constitutes accurate, comparable and actionable data within the information management systems of the PCSD.

Concerns of the Arizona Border Counties Coalition

Comprised of representatives from each of the four Arizona border counties (Santa Cruz, Cochise, Pima, and Yuma), the Arizona Border Counties Coalition (ABCC) has expressed concerns regarding full cost recovery associated with accepting OPSG grants. These concerns relate specifically to:

1. Mileage Reimbursement
2. Indirect Cost Reimbursement
3. Equipment Use
4. Local Law Enforcement Priority
5. Expanded Function and Mission

On April 11, 2019, the ABCC convened a meeting with AZDOHS and regional CBP leadership and staff. AZDOHS representatives included Mr. Gilbert Orrantia, Director of AZDOHS, as well as Assistant Directors Susan Dzbanks and Terry Riordan. CBP leadership and staff included Mr. Javier Gurrola, Acting Director over the Alliance to Combat Trans National Threats (ACTT), Mr. Mike Ulrich, Special Operations Officer at ACTT, and Mr. Andrew Culp,

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

Page 7

Acting Special Operations Supervisor serving as the Tucson Sector OPSG Coordinator. ABCC was represented by Supervisors from the four border counties: Supervisor Bruce Bracker of Santa Cruz County; Supervisor Ann English of Cochise County; Supervisor Sharon Bronson of Pima County; and Supervisor Martin Porchas on behalf of Supervisor Marco A. "Tony" Reyes of Yuma County. They were joined by County Manager Jennifer St. John (Santa Cruz County), County Administrator Edward T. Gilligan (Cochise County), and County Administrator C.H. Huckelberry (Pima County) as well as Pima County Director of Grants Management and Innovation, Regina Kelly, and other staff. In my opinion, this was one of the most informative and productive meetings we have had with State Homeland Security and US Customs and Border Protection officials. Issues were discussed openly and frankly with all parties resulting in a much better understanding of the mission and role of border security agencies as well as counties and sheriffs. Most importantly, we learned there are a number of other detailed information sources that can be obtained that will further provide documentation and transparency related to any OPSG activity that occurs in border counties. For example, time and effort documentation of law enforcement overtime activity in relation to OPSG must be robust enough to satisfy federal grant regulations. In other words, this is a potential source of data to ensure that OPSG overtime directly ties to grant strategies and benchmarks. Overall, I am confident that all of the five previously identified issues can be satisfactorily resolved. In fact, I am convinced that the performance, transparency and efficiency of border security as well as law enforcement drug and human trafficking interception can be greatly enhanced thereby significantly improving overall public safety.

Of interest to Pima County, in regard to the fifth concern reference above, was that part of the discussion related to expanded function and mission primarily associated with the Ajo Airport. There is significant interest in increasing air assets and deploying them to the Ajo Airport, as such would be beneficial and highly effective for both law enforcement and rescue efforts. Federal authorities are very interested in improving air assets that facilitate a technical response to border security, law enforcement, and interdiction of human and drug smuggling. In addition, air resources greatly facilitate and improve humanitarian rescue efforts by increasing the search area and providing rapid directional response.

Our area of primary concern is in receiving indirect cost reimbursement. Based on our cost allocation and indirect cost rate proposal plans, which are developed and maintained in compliance with relevant federal regulations, the indirect cost rate for the Pima County Sheriff's Department is 28.58 percent; this rate would be applied to personnel costs (wages, salaries, fringe) associated with OPSG for this grant cycle. In relation to the current FFY 2018 OPSG award, this means approximately \$330,000 in indirect cost reimbursement. If the personnel grant cost remains fixed at \$1,155,866, then the amount allocated to overtime and fringe benefits would be reduced to approximately \$825,866.

During discussion of the third item – equipment use – a new concern surfaced. It became clear that if a law enforcement agency is not participating in an active OPSG grant, then equipment that was previously purchased with OPSG funds – and with a residual value

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

Page 8

greater than \$5,000 - is subject to recall and distribution to another police agency. Below is a list of Sheriff's Department equipment purchased with OPSG grants, including the original amount and its estimated depreciated value. Any of this equipment with a value greater than \$5,000 is subject to recall and distribution to another police agency participating in Operation Stonegarden. If the Board declines to participate in Operation Stonegarden, it is possible that the equipment listed will be recalled by AZDOHS or CBP agencies. Some, perhaps a significant amount, of the equipment cannot be returned without significant compromise to the operational effectiveness of the department – for example, some equipment affixed to the rescue helicopter. We may be required to make monetary reimbursement for equipment that cannot be recalled for redistribution. If recalled, the County General Fund will be used to purchase replacement equipment.

EQUIPMENT/VEHICLE DESCRIPTION	COUNT	DATE PURCHASED	ORIGINAL AMOUNT FUNDED BY OPSG	EST. DEPRECIATION 3/31/2019	EST. REMAINING BOOK VALUE
HELICOPTER: AS350B3E WITHOUT CARGO SWING	1	4/3/2012	\$ 1,135,685.50	\$ 784,664.25	\$ 351,021.25
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124607	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124608	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124609	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124605	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124604	1	10/23/2013	11,069.39	6,016.87	5,052.52
2014 POLARIS RANGER 570 UTILITY TERRAIN VEHICLE TAG 124606	1	10/23/2013	11,069.39	6,016.87	5,052.52
BOMB DETECT EQUIP: SCANX RECON METRO & DISMOUNT RESPONSE KIT	1	10/4/2013	56,696.64	31,113.24	25,583.40
EQUIPMENT: UC6000- ULTICHART MOVING MAP SYSTEM	1	11/7/2017	120,791.98	16,679.57	104,112.41
EQUIPMENT: AVIATOR NIGHT VISION IMAGING SYSTEM (2)	2	12/27/2017	28,881.60	3,631.96	25,249.64
EQUIPMENT: LICENSE PLATE RECOGNITION (LPR) (5)	5	12/4/2017	75,897.75	10,022.72	65,875.03
CEK ENHANCED KIT - POLICE AND PRISON EQUIPMENT	1	8/4/2015	27,027.73	9,878.08	17,149.65
MINI Z HANDHELD XRAY IMAGING SYSTEM TAG 127163	1	12/22/2015	52,941.98	17,318.56	35,623.42
SUV: 2014 CHEVY TAHOE 1GNSK2E09ER195372	1	12/1/2015	34,585.92	11,512.83	23,073.09
SUV: 2016 CHEVY TAHOE 1GNSKFEC2GR130867	1	11/3/2015	34,585.92	11,778.14	22,807.78
EQUIPMENT: AVIATOR NVG IMAGING SYSTEM (6)	6	1/11/2017	67,573.44	14,977.20	52,596.24
VEHICLE: 2016 FORD TRANSIT XL 150 CARGO VAN (SURVEILLANCE)	1	12/8/2016	164,516.80	37,993.77	126,523.03
EQUIPMENT: APZ7500 DUAL BAND MID POWER	1	1/31/2017	7,994.54	1,728.13	6,266.41
AIRCRAFT: CESNA T206H FIXED WING AIRCRAFT	1	6/9/2014	245,463.54	119,682.90	125,780.64
EQUIPMENT: 2 ATV'S	2	6/28/2016	43,027.52	unknown	43,027.52
STRONGWATCH LONG RANGE CAMERA	1	9/21/2015	77,696.88	27,374.86	50,322.02
TOTALS	32		\$ 2,239,784.08	\$ 1,134,457.43	\$ 1,105,326.65

Non-reimbursed Costs Related to Operation Stonegarden and Federal Border Security Activity is Significant

Counties have expressed concern over other county costs that increase as a result of border security activities acceptance. These include additional public safety pension liability, and increases in the cost of detention associated with non-citizens who are charged with felony or misdemeanor crimes as well as prosecution of same.

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

Page 9

Other less discussed costs, but real expenses incurred by counties, relate to public health. Our public health agency has been an active participant in providing vaccinations and health screenings to recent migrant families arriving in Pima County. We have allocated additional staff time, including nursing staff, leadership, operators, support staff, Director, Deputy Director and our Chief Medical Officer. We have provided over 1,000 doses of vaccines procured through our normal processes at a cost of at least \$15,850 since January 2019, for just the first quarter of this calendar year. Direct public health employees, supplies and vaccines will likely total \$45,000 per quarter. These public health expenditures are directly related to arriving migrant families, and their release and transfer to non-governmental organizations for temporary settlement. The pace of these releases has significantly increased over the last quarter and very often exceeds over 100 individuals per day within Pima County. The costs now being incurred by our public health agency have not been budgeted. The costs detract from our ability to provide our regular public health services in Pima County. Given the significant increase in migrants who are surrendering to Border Protection agencies, just 393 yesterday at Lukeville, Arizona, our primary concern to over resource availability for the nongovernmental organizations that assist the federal government in asylum requests and safely as well as humanely processing migrants.

Recommendation

It is recommended the Board of Supervisors approve the two Operation Stonegarden Overtime and Equipment Grant Awards for Federal Fiscal Year 2018, subject to the following:

- a) the County receives indirect cost reimbursement at the rate of 28.58 percent as applied to the personnel component (wages, salaries, fringe) of the Operation Stonegarden Overtime grant; this will generate approximately \$330,000, which will reduce the allowable overtime and fringe cost component to approximately \$825,866. It is further recommended:
 - 1) the recovered indirect cost monies be used to reimburse our public health agency for expenses now being incurred and anticipated to be incurred through the end of February 2020 for public health services related to migrant families and asylum seekers. Such cost is estimated to be near \$150,000. These costs have not been budgeted within the public health budget; resultantly, unless reimbursed, the public health budget will have to be curtailed in other key public health service areas to County residents; and
 - 2) the balance of the indirect cost recovery received by the County will be allocated to the County's Outside Agency Review Committee in the approximate amount of \$180,000 to increase funding for established service nonprofits with the primary purpose of said funds to strengthen the social service safety net within the County.

The Honorable Chairman and Members, Pima County Board of Supervisors

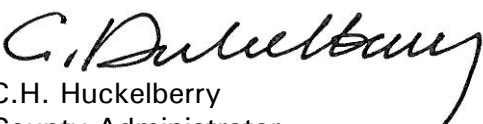
Re: **Federal Fiscal Year 2018 Operation Stonegarden Grant Award in the Amount of \$1,155,866 (Overtime & Fringe Benefits) \$595,600 (Equipment) \$13,120 (Travel) and \$50,000 (Mileage) for a Total Grant Award of \$1,814,586**

May 7, 2019

Page 10

- 3) if the Operation Stonegarden grant of \$1,814,586 is rejected, the Board should direct that at least \$500,000 be set aside in the budget for next year to support the Sheriff budget in overtime for western Pima County and at least \$2,239,784 to pay for capital equipment purchased with OPSG funds. Hence, the Stonegarden decision has an economic value to Pima County of approximately \$5 million.
- b) the Sheriff provides the Community Law Enforcement Partnership Commission with data regarding all Sheriff Department activities related to Operation Stonegarden missions, including appropriate time and effort verification per federal regulations as well as the policies and procedures issued by the Sheriff to deputies participating in Operation Stonegarden to ensure federal grant compliance without exception.
- c) if this information and data is not provided satisfactorily the Board of Supervisors can terminate the grant similar to last year.
- d) based on information regarding the deliberate vandalism of life saving water stations, request the Sheriff coordinate appropriate security review for Humane Borders water stations and investigate any vandalism of said stations, and request the County Attorney to prosecute anyone who vandalizes a Humane Borders water station.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/lab – April 17, 2019

- c: The Honorable Mark Napier, Pima County Sheriff
The Honorable Barbara LaWall, Pima County Attorney
Chair and Members, Community Law Enforcement Partnership Commission