



**Sheriff's Office  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** July 23, 2019

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

CONTACT PERSON: Ed Lardner, Grant Specialist    PHONE: (559) 802-9462

**SUBJECT:** Approve a Third Amendment to Agreement No. 28077 to add Annual Operating and Financial Plans, Exhibits A and B

**REQUEST(S):**  
That the Board of Supervisors:

1. Approve a Third Amendment to add the Annual Operating and Financial Plan, identified as Exhibit A, to Agreement No. 28077 with the United States Forest Service for reimbursement to the Sheriff's Office for patrol services on United States Forest Service land in the amount of \$33,000, retroactive to October 1, 2018 through September 30, 2019. The Annual Operating and Financial Plan is retroactive because it was received from the United States Forest Service nine months after the effective date;
2. Find that the Board had the authority to enter into the proposed agreement as of October 1, 2018 and that it was in the County's best interest to enter into the agreement on that date;
3. Authorize the Chairman to sign three copies of Exhibit A to the Agreement;
4. Approve a Third Amendment to add the Annual Operating and Financial Plan, identified as Exhibit B, to Agreement No. 28077 with the United States Forest Service for reimbursement to the Sheriff's Office for services related to controlled substances on United States Forest Service land in the amount of \$24,000, retroactive to October 1, 2018 through September 30, 2019. The Annual Operating and Financial Plan is retroactive because it was received from the United States Forest Service nine months after the effective date;

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5. Find that the Board had the authority to enter into the proposed agreement as of October 1, 2018 and that it was in the County's best interest to enter into the agreement on that date; and
6. Authorize the Chairman to sign three copies of Exhibit B to the Agreement.

**SUMMARY:**

The purpose of the original Agreement No. 28077 is to document a cooperative effort between the Tulare County Sheriff's Office (TCSO) and the United States Forest Service (USFS) to enhance state and local law enforcement in connection with activities on USFS lands. The Agreement also serves to provide reimbursement to TCSO for patrol services and controlled substance services that will be provided through the Annual Operating Plans (Exhibits A and B) to the Agreement. Reimbursement amounts are based on funding availability as determined by USFS.

The original Agreement No. 28077 was approved by the Board on May 16, 2017 for a five year term (Resolution No. 2017-0335). The Annual Operating and Financial Plans, Exhibits A and B, were attached to the Agreement and were also approved on May 16, 2017. Exhibit A and Exhibit B shall be reviewed annually throughout the five-year term of the Agreement as the annual operating plan amount and reimbursement rates for enforcement activities are subject to change. Amendment One, 28077-A Resolution No. 2018-0567, for the Annual Operating and Financial Plans, Exhibits A and B, was approved by the Board on June 26, 2018. Amendment Two, 28077-B Resolution No. 2018-0730, for the Annual Operating and Financial Plans, Exhibit B, was approved by the Board on August 28, 2018 to reflect the increase controlled substance services funding for that operating year only.

Reimbursable services to be provided under the new Exhibit A for the period of October 1, 2018 through September 30, 2019 include basic law enforcement patrol services provided by a Sheriff's Deputy in remote mountainous areas of Tulare County; specifically to roads, campgrounds, developed sites or dispersed areas. In addition, the plan includes a provision for reimbursement to TCSO for deputy services during extraordinary situations such as fire emergencies, drug enforcement incidents, or large group gatherings such as concerts or organization demonstrations.

Reimbursable services to be provided under the new Exhibit B, for controlled substance investigation services for the period of October 1, 2018 through September 30, 2018, include the detection of locations and activities related to illegal production and trafficking of controlled substances through ground and aerial reconnaissance; surveillance operations to identify persons illegally producing or trafficking controlled substances; collection of evidence; apprehension and prosecution of suspects; and identification and removal of cannabis plants from USFS lands.

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**DATE:** July 23, 2019

The original Agreement No. 28077 was approved as to form by County Counsel on May 1, 2017 and was approved by the Board of Supervisors on May 16, 2017. The original Exhibits A and B, are identical to the proposed new Exhibits A and B except for the terms and reimbursement rates for enforcement activities in Exhibit A. The substantive deviations from the standard County boilerplate identified in the prior agenda item were: 1) an indemnification clause was not included, 2) if the County was ever overpaid for services, USFS may charge interest on the amount owed if not repaid within a reasonable period, and 3) the County signed prior to the Special Agent in Charge, Pacific Southwest Region. The proposed renewal Annual Operating and Financial Plans, Exhibits A and B, do not include any additional deviations from the standard County boilerplate. The only changes to the original agreement, as amended to date, are to the effective dates and the reimbursement rates for enforcement activities; new effective dates will be retroactive to October 1, 2018 through September 30, 2019. Also, for the first funding year of the Agreement there was a total allocation of \$33,000 for Exhibit A patrol services, and \$24,000 for Exhibit B controlled substance investigation services. This year the annual allocation amounts have not changed and will remain the same.

**FISCAL IMPACT/FINANCING:**

The USFS will reimburse TCSO for expenses incurred from October 1, 2018 through September 30, 2019.

USFS will pay \$33,000 for patrol services on Forest Service land. The total funds of \$33,000 will be included in the TCSO FY 19/20 operating budget.

In addition, USFS will pay \$24,000 for services related to controlled substances on Forest Service land. The total funds of \$24,000 will be included in the TCSO FY 19/20 operating budget.

All funds from this contract period are included in the TCSO FY 19/20 budget, as noted above. Any additional expenditures will be absorbed in the TCSO operating budget. There is no additional net County cost associated to the General Fund.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Safety and Security Initiative to effectively and fairly investigate, arrest, prosecute and punish individuals who engage in criminal behaviors. This agreement will help fulfill this initiative by providing law enforcement services to developed and undeveloped areas of USFS land.

**SUBJECT:** Approve a Third Amendment to Agreement No. 28077 to add Annual  
Operating and Financial Plans, Exhibits A and B

**DATE:** July 23, 2019

**ADMINISTRATIVE SIGN-OFF:**

  
Mike Boudreaux  
Sheriff-Coroner

cc: County Administrative Office

Attachment A – Agreement No. 28077

Attachment B – Exhibit A

Attachment B – Exhibit B

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE A THIRD )  
AMENDMENT TO AGREEMENT NO. 28077 ) Resolution No. \_\_\_\_\_  
TO ADD ANNUAL OPERATING AND ) Agreement No. \_\_\_\_\_  
FINANCIAL PLANS, EXHIBITS A AND B )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Approved a Third Amendment to add the Annual Operating and Financial Plan, identified as Exhibit A, to Agreement No. 28077 with the United States Forest Service for reimbursement to the Sheriff's Office for patrol services on United States Forest Service land in the amount of \$33,000, retroactive to October 1, 2018 through September 30, 2019. The Annual Operating and Financial Plan is retroactive because it was received from the United States Forest Service nine months after the effective date;
2. Found that the Board had the authority to enter into the proposed agreement as of October 1, 2018 and that it was in the County's best interest to enter into the agreement on that date;
3. Authorized the Chairman to sign three copies of Exhibit A to the Agreement;
4. Approved a Third Amendment to add the Annual Operating and Financial Plan, identified as Exhibit B, to Agreement No. 28077 with the United States Forest

Service for reimbursement to the Sheriff's Office for services related to controlled substances on United States Forest Service land in the amount of \$24,000, retroactive to October 1, 2018 through September 30, 2019. The Annual Operating and Financial Plan is retroactive because it was received from the United States Forest Service nine months after the effective date;

5. Found that the Board had the authority to enter into the proposed agreement as of October 1, 2018 and that it was in the County's best interest to enter into the agreement on that date; and
6. Authorized the Chairman to sign three copies of Exhibit B to the Agreement.