

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.

201903039-5

Originating Department:	35 Sheriff's Office
Division/Program: (i.e. Dept. Division and Program)	3520 Bureau of LE & Investigations / 352020 Patrol and Overtime
Contract or Grant Administrator:	Doug Chadwick, Undersheriff
Contractor's / Agency Name:	U.S. Department of Agriculture (USDA), Forest Service

Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes No
 Yes No If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 201903039

Does contract require Council Approval? Yes No If No, include WCC: _____
 Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

Is this a grant agreement? Yes No If yes, grantor agency contract number(s): _____ CFDA#: _____

Is this contract grant funded? Yes No If yes, Whatcom County grant contract number(s): _____

Is this contract the result of a RFP or Bid process? Contract _____
 Yes No If yes, RFP and Bid number(s): _____ Cost Center: _____

Is this agreement excluded from E-Verify? No Yes If no, include Attachment D Contractor Declaration form.

If YES, indicate exclusion(s) below:

- Professional services agreement for certified/licensed professional. Goods and services provided due to an emergency
- Contract work is for less than \$100,000. Contract for Commercial off the shelf items (COTS).
- Contract work is for less than 120 days. Work related subcontract less than \$25,000.
- Interlocal Agreement (between Governments). Public Works - Local Agency/Federally Funded FHWA.

Contract Amount:(sum of original contract amount and any prior amendments):
 \$ 56,760.00
 This Amendment Amount:
 \$ _____
 Total Amended Amount:
 \$ 56,760.00

Council approval required for; all property leases, contracts or bid awards **exceeding \$40,000**, and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, **except when**:

1. Exercising an option contained in a contract previously approved by the council.
2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies.
4. Equipment is included in Exhibit "B" of the Budget Ordinance.
5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

Summary of Scope:

This contract amendment continues the cooperative effort between Whatcom County and USDA Forest Service to enhance state and local law enforcement in connection with activities on National Forest System lands. The USDA Forest Service will provide funds for one part-time Sheriff's Office Deputy to Patrol Mt. Baker-Snoqualmie National Forest.

Term of Contract: Last Signature Date

Expiration Date: December 31, 2023

- | | | |
|-------------------|--|------------------------|
| Contract Routing: | 1. Prepared by: Donna Duling <u>DMD</u> | Date: 4/11/22 |
| | 2. Attorney signoff: approved via email BW/DD | Date: 4/11/23 |
| | 3. AS Finance reviewed: Andrew Tan | Date: 04/12/2023 |
| | 4. IT reviewed (if IT related): _____ | Date: _____ |
| | 5. Contractor signed: _____ | Date: _____ |
| | 6. Submitted to Exec.: _____ | Date: <u>4/13/2023</u> |
| | 7. Council approved (if necessary): <u>(AB2023-290)</u> | Date: <u>4/25/23</u> |
| | 8. Executive signed: _____ | Date: <u>4.26.23</u> |
| | 9. Original to Council: _____ | Date: _____ |

**WHATCOM COUNTY
SHERIFF'S OFFICE**

BILL ELFO
SHERIFF



PUBLIC SAFETY BUILDING
311 Grand Avenue
Bellingham, WA 98225-4038
(360) 778-6600

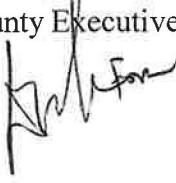
MEMORANDUM

RECEIVED

APR 26 2023

**WHATCOM COUNTY
EXECUTIVE'S OFFICE**

TO: Satpal Sidhu, County Executive

FROM: Bill Elfo, Sheriff 

DATE: April 12, 2023

SUBJECT: USDA Forest Service Agreement 19-LE-11060500-007
Modification Number 05
Whatcom County Contract # 201903039
Mt. Baker-Snoqualmie National Forest

Enclosed for your review and signature is one (1) original of Modification Number 05 to Cooperative Law Enforcement Agreement (Whatcom County Contract #201903039) 2023 Mt. Baker-Snoqualmie National Forest Annual Operating and Financial Plan for the subject agreement between Whatcom County Sheriff's Office and USDA Forest Service, Mt. Baker-Snoqualmie National Forest.

Background and Purpose

This agreement is for Whatcom County Sheriff's Office (WCSO) to provide one part-time deputy whose primary assignment is to patrol all roads in the Mt. Baker-Snoqualmie National Forest that are within the boundaries of Whatcom County.

Modification Number 05 incorporates Annual Operating Plan for 2023 with \$56,750.00.

Funding Amount and Source

Annual funding of \$56,760.00 from USDA Forest Service.

Differences from Previous Contract

No change from last year's funding.

Please contact Undersheriff Doug Chadwick at extension 6618 if you have any questions or concerns regarding the terms of this agreement.

Enclosures



USDA Forest Service

201903039-5

OMB 0596-0217
FS-1500-19

MODIFICATION OF GRANT OR AGREEMENT	PAGE	OF PAGES
	1	9

1. U.S. FOREST SERVICE GRANT/AGREEMENT NUMBER: 19-LE-11060500-007, Cooperative Law Enforcement	2. RECIPIENT/COOPERATOR GRANT or AGREEMENT NUMBER, IF ANY: 201903039-5	3. MODIFICATION NUMBER: 5
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4. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING GRANT/AGREEMENT (unit name, street, city, state, and zip + 4): Mt. Baker-Snoqualmie National Forest 2930 Wetmore Avenue, Suite 3A Everett, WA 98201	5. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4): Mt. Baker-Snoqualmie National Forest 2930 Wetmore Avenue, Suite 3A Everett, WA 98201
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6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip + 4, county): Whatcom County 311 Grand AVE STE 503 Bellingham, WA 98225-4050	7. RECIPIENT/COOPERATOR'S HHS SUB ACCOUNT NUMBER (For HHS payment use only):
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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 type="checkbox"/>	CHANGE IN PERFORMANCE PERIOD:
<input checked="" type="checkbox"/>	CHANGE IN FUNDING: Add \$56,760.00 in funds.
<input type="checkbox"/>	ADMINISTRATIVE CHANGES:
<input checked="" type="checkbox"/>	OTHER (Specify type of modification): Incorporate Exhibit A: 2023 Operating and Financial Plan.

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):
This Modification #5 to the agreement with Whatcom County will add funds in the amount of \$56,760.00 for the 2023 Operating period. See Attachment A: 2023 Operating and Financial Plan. All previously obligated and unspent funds remain available for use.

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: Exhibit A: 2023 Operating and Financial Plan, Addendum A: Fire Emergency Language & Billing Protocol, Addendum B: Supplemental Provisions.

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. WHATCOM COUNTY SIGNATURE <small>(Signature of Signatory Official)</small>	11.B. DATE SIGNED 04/12/23	11.C. WHATCOM COUNTY SIGNATURE <small>(Signature of Signatory Official)</small>	11.D. DATE SIGNED 4/11/23
11.E. NAME (type or print): BILL ELFO		11.E. NAME (type or print): BRANDON WALDRON	
11.G. TITLE (type or print): Sheriff, Whatcom County		11.H. TITLE (type or print): Civil Deputy Prosecuting Attorney, Whatcom County	



USDA Forest Service

OMB 0596-0217
FS-1500-19

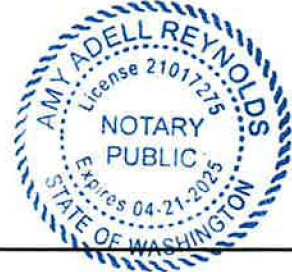
11.I. WHATCOM COUNTY SIGNATURE  (Signature of Signatory Official)	11.J. DATE SIGNED <u>4/20/23</u>	11.K. U.S. FOREST SERVICE SIGNATURE C. Andrew Coriell Digitally signed by C. Andrew Coriell Date: 2023.05.18 09:54:53 -07'00' (Signature of Signatory Official)	11.L. DATE SIGNED
11.M. NAME (type or print): SATPAL SINGH SIDHU		11.N. NAME (type or print): ANDY CORIELL	
11.O. TITLE (type or print): Executive, Whatcom County		11.P. TITLE (type or print): Special Agent in Charge, U.S. Forest Service Northwest Law Enforcement and Investigations	

STATE OF WASHINGTON)

) ss

)

On this 27 day of April, 2023, before me personally appeared Satpal Singh Sidhu, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



NOTARY PUBLIC in and for the State Washington, residing at Bellingham.
My commission expires 4/21/25.

11.Q. U.S. FOREST SERVICE SIGNATURE JODY WEIL Digitally signed by JODY WEIL Date: 2023.05.26 08:21:50 -07'00' (Signature of Signatory Official)	11.R. DATE SIGNED
11.S. NAME (type or print): JODY L. WEIL	
11.T. TITLE (type or print): Forest Supervisor, Mt. Baker-Snoqualmie National Forest	

12. G&A REVIEW

12.A. The authority and format of this modification have been reviewed and approved for signature by: <u>Ben Martin</u> Digitally signed by Ben Martin Date: 2023.02.03 10:13:01 -05'00' <u>BEN MARTIN (19-LE-11060500-007 Mod 5)</u> U.S. Forest Service Grants & Agreements Specialist	12.B. DATE SIGNED
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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 4 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.



FS Agreement No. 19-LE-11060500-007 M5

Cooperator Agreement No. 201903039-5

**EXHIBIT A
COOPERATIVE LAW ENFORCEMENT OPERATING & FINANCIAL PLAN
Between
WHATCOM COUNTY
And the
USDA, FOREST SERVICE
MT. BAKER-SNOQUALMIE NATIONAL FOREST**

2023 OPERATING AND FINANCIAL PLAN

This Financial and Operating Plan (Operating Plan) is hereby made and entered into by and between Whatcom County, hereinafter referred to as "Whatcom County," and the United States Department of Agriculture (USDA), Forest Service, Mt. Baker-Snoqualmie National Forest, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #19-LE-11060500-007. This Operating and Financial Plan is made and agreed to as of the last signature date on the Cooperative Law Enforcement Agreement and is in effect through December 31, 2023, unless modified during the annual review.

Previous Year Carry-over: \$23,460.71*
Current 2023 Year Obligation: \$56,760.00
2023 Total Operating Plan: \$80,220.71*

**Previous year carry-over as of 01/24/2023 and subject to unreceived billing as of that date.*

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:

Whatcom County Program Contact	Whatcom County Administrative Contact
Bill Elfo, Sheriff Whatcom County 311 Grand Avenue Bellingham, WA 98225-4078 Telephone: (360) 778-6600 Email: bellfo@co.whatcom.wa.us	Doug Chadwick, Undersheriff Whatcom County 311 Grand Avenue Bellingham, WA 98225-4078 Telephone: (360) 778-6600 Email: dchadwic@co.whatcom.wa.us



Principal Cooperator Contacts Cont.

Whatcom County Administrative Contact

Dawn Pierce, Senior Administrative Assistant, Whatcom County
311 Grand Avenue
Bellingham, WA 98225-4078
Telephone: (360) 778-6606
Email: dpierce@co.whatcom.wa.us
Email: SheriffAccounting@co.whatcom.us

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Grants and Agreements Contact
James V. Griffin, Patrol Captain PNW Region 6 LEI, NWWZ 2930 Wetmore Avenue, Suite 3A Everett, WA 98201 Telephone: (425) 783-6090 Email: james.griffin@usda.gov	Cynthia L. Moscoso Lead Grants Management Specialist Region 6 Grants and Agreements Wenatchee, WA 98801 Telephone: 541-383-5541 Email: Cynthia.Moscoso@usda.gov
U.S. Forest Service Administrative Contact	
Cindy Orlando, Program Assistant PNW Region 5 LEI, NWWZ 1835 Black Lake Blvd SW Olympia, WA 98512 Telephone: (360) 956-2286 Email: cindy.orlando@usda.gov	

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

Wages and benefits will be billed at actual regular rates plus associated payroll costs. Rates will vary based on officer experience level.

Approximate wages for a new deputy at the prevailing regular rate of \$55.71/hour plus fringe benefits of \$8.98/hour for a total rate of **\$64.69/hour**.

Approximate wages for a senior deputy/sergeant at the prevailing regular rate of \$88.31/hour plus fringe benefits of \$13.25/hour for a total rate of **\$101.56/hour**.

Mileage: Miles will be billed at the mileage reimbursement rate of **\$0.655** 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 Whatcom County 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 all roads in the Mt. Baker-Snoqualmie National Forest that are located within the boundaries of Whatcom County, Washington.
2. Patrol in the following: campgrounds, developed sites, or dispersed areas, active logging and firewood cutting areas, and unplanned seasonal special emphasis areas.

Total reimbursement for this category shall not exceed the amount of: **\$80,220.71.**

III. 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 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 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 U.S. 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.

- 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 U.S. 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.

IV. BILLING FREQUENCY:

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

- A. Whatcom County will submit invoices on a quarterly basis for reimbursement of services provided under Section II of this Operating Plan, and as outlined in *Cooperative Law Enforcement Agreement Provisions II-H and III-B*.

Submit invoices by email: SM.FS.asc_ga@usda.gov

Copy to U.S. Forest Service Contacts (See Section I.A.)

- B. The following is a breakdown of the total estimated costs associated with this Operating Plan.

Category	Estimated Costs	Not to Exceed by %
Patrol Activities	\$80,220.71	N/A
Training		
Equipment		
Special Enforcement Situations		
Total	\$80,220.71	N/A

Addendum A

U.S. Forest Service Fire Emergency Language & Billing Protocol Coop Law Enforcement Agreements / Operating & Financial Plan

Fire Emergencies:

During fire emergencies, the U.S. Forest Service will reimburse the County for actual costs incurred while the County is providing assistance requested by either the Agency Administrator or Incident Commander.

Reimbursement for personnel wages and services are based upon the information in the resource order and must identify the number of roadblocks, number of personnel required, hours and time frame required and must be ordered by the Incident Commander or Agency Administrator. A copy of the resource order generated for the request for assistance will be provided by the U.S. Forest Service dispatch to the County. It is critically important that the Incident Management Team, Agency Administrator, and the Sheriff /County Official agree to what emergency services are needed and listed in the Resource Order and Incident Action Plans for each day until this resource is no longer required.

Upon request of the Agency Administrator or Incident Commander, a County designated Liaison(s) to the fire incident(s) may be established. The liaison will be requested via an incident resource order. The liaison(s) primary duties, on behalf of the County Sheriff, will be to attend public meetings, planning and Incident Command meetings. Eligible costs for reimbursement will include personnel time.

If meals and lodging are required for county officials, authorization must be documented using the standard fire meals and lodging authorization forms provided by the host fire unit. Cooperator personnel directly assigned to the incident by a resource order will be entitled to meals that are provided on the incident.

Administrative support (e.g. posting incident time, delivering meals, bill preparation, etc.) will be reimbursed on an actual cost basis. The County will prepare and submit an itemized accounting of actual cost as part of the reimbursement request.

What is not eligible for reimbursement?

1. Law enforcement duties that are within the normal jurisdictional responsibilities such as enforcement, patrols, evacuation. 2. Automotive repairs, tires, and services are covered in the prevailing wage rate as identified in the OP Provision I. B.

Billing Protocol:

Documentation required to be submitted by the County to the FS for payment processing:

- Resource Order. Resource order will state what kind of assistance is ordered, how many people requested, and the time period for the services as ordered by the IC or Agency Administrator.
- Copy of Cooperative Law Enforcement Agreement and Operating & Financial Plan.
- UEI number.
- Active status in System for Award Management (SAM).
- Tax ID number.
- Breakout of actual costs:
 - Salary – Daily Crew Time Reports, Payroll summary by hours per day or timesheets of personnel.
 - Supplies – Copies of receipts with date and description of items purchased and FS authorization (S# or FS Signature) for purchase.
 - Mileage – Summary by day by vehicle and personnel using the vehicle.

- Incident Action Plans – copies of plans that document assignment to that incident.
- Map of roadblock locations.

BILLINGS ARE NOT TO BE SUBMITTED TO THE SM.FS.ASC GA@USDA.GOV
UNDER THE OBLIGATION ESTABLISHED THROUGH THE COOPERATIVE LAW
ENFORCEMENT AGREEMENT.

Please coordinate remittance of billings to the Albuquerque Service Center, Incident Finance
Branch through the local Fire Incident Business Specialist:

Jessica McAloon
Administrative Support Coordinator
810 State Route 20
Sedro-Woolley WA 98284
jessica.mcaloon@usda.gov
360-854-2602

Invoices must include the information identified above in the Billing Protocol section in order to
be processed in a timely manner.

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Addendum B

**U.S. Forest Service Supplemental Provisions
Coop Law Enforcement Agreements / Operating & Financial Plan**

- A. Specific workdays and core hours on the ground will be determined by Whatcom County with concurrence by the U.S. Forest Service at least five days prior to the schedule taking effect. It is expected that patrols will include Saturday, Sunday, and Holidays on National Forest System (NFS) lands, for the period of the agreement, or until such time as funding is exhausted.
- B. Whatcom county will assign one part-time officer with a fully equipped and marked Whatcom County Sheriff's Office vehicle, suitable for patrol of forest areas.
- C. Reports relating to incidents or crimes that have occurred on National Forest System (NFS) lands should be collectively submitted to the U.S. Forest Service Law Enforcement on a quarterly basis. Reports relating to severe or major incidents or crimes should also be submitted individually, as soon as possible.
- D. Whatcom County shall notify the U.S. Forest Service, as soon as possible, of all search and rescues occurring on NFS lands. Deputies assigned to this agreement an perform preliminary search and rescue duties, but Whatcom County shall furnish another Deputy for lengthy missions.
- E. Patrols should be variable, and Deputies should plan routes making them more visible after sunset, especially during peak use months (generally May through September).
- F. The U.S. Forest Service shall loan Whatcom County one portable radio and one mobile radio for communication purposes. *See Provision IV.K in agreement.*
- G. Whatcom County will be responsible for the installation and maintenance of radio equipment. In the event this agreement is cancelled, the radios will be returned to the USDA Forest Service.