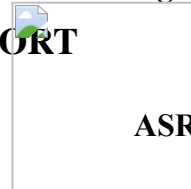


AGENDA STAFF REPORT



ASR Control 17-000333

MEETING DATE: 05/09/17
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Sheriff-Coroner (Approved)
DEPARTMENT CONTACT PERSON(S): Brian Wayt (714) 647-1803
 Noma M. Crook (714) 834-6681

SUBJECT: Modification P00008 to Immigration and Customs Enforcement Detainee Agreement

CEO CONCUR Concur	COUNTY COUNSEL REVIEW Approved Agreement to Form	CLERK OF THE BOARD Discussion 3 Votes Board Majority
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Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** N/A

Current Fiscal Year Revenue: \$657,024

Funding Source: FED: 100% (Immigrations and Customs Enforcement) **County Audit in last 3 years:** No

Prior Board Action: 7/14/2015 #20, 9/30/2014 #19, 4/29/2014 #10, 10/1/2013 #2

RECOMMENDED ACTION(S):

Authorize the Sheriff-Coroner or her designee to execute, on behalf of the County of Orange, Modification P00008 to the Inter-Governmental Service Agreement with U.S. Immigration and Customs Enforcement to add 120 beds for detainees, thereby increasing the total bed space capacity from 838 to 958 beds, effective upon Board of Supervisors approval through July 19, 2020.

SUMMARY:

Approval of Modification P00008 to the five-year revenue Agreement with U.S. Immigration and Customs Enforcement will allow the Sheriff-Coroner Department and Health Care Agency to house and provide health care for an additional 120 Immigration and Customs Enforcement detainees.

BACKGROUND INFORMATION:

On July 20, 2010, the Board of Supervisors (Board) approved a five-year Inter-Governmental Service Agreement (IGSA) with U.S. Immigration and Customs Enforcement (ICE) for detention and care of ICE detainees in the Orange County jail system. ICE detainees are persons detained under the authority of the Immigration and Nationality Act and are held in custody to assure their presence throughout the administrative hearing process and possible removal from the United States pursuant to an order by the Federal government. ICE detainees do not have criminal charges pending. Most ICE detainees are former inmates who, at the time of their arrest, were unable to provide proof of their citizenship or legal residency.

The Board approved another five-year IGSA with ICE on July 14, 2015. The previous and current IGSA is for 838 beds for housing male and female detainees in Orange County's jail system, plus transportation services, health services, and a voluntary work program within the jail facilities for detainees. In exchange, ICE pays the County a per diem rate for services provided.

The federal government pays the County a fixed per diem rate of \$118 per detainee housed in the Orange County jail system. Of the \$118 current rate, \$23.85 is allocated to HCA for medical and mental health services, and \$94.15 is allocated to the Sheriff for security and housing services. In addition, fixed hourly transportation escort/guard rates and transportation mileage rates are included in the current IGSA. For prescription drugs, the federal government reimburses the County the actual cost of the prescription drugs on a monthly basis. The County and ICE monitor the actual cost utilization for prescription medications, and if costs are projected to exceed the amount specified in the IGSA (\$720,000 per year), the County will request a modification to the agreement. At this time, the requested amount of \$720,000 will remain the same.

The Board has approved the following items since the first IGSA was approved in July 2010:

<u>Board Date</u>	<u>Item Approved</u>
10/4/2011	Receive and file status report
4/17/2012	Amendment One to add women's jail infirmary as ICE 72 hour facility
5/22/2012	Modification P00002 to amend Statement of Work Infrastructure Requirements
12/11/2012	Modification to amend ICE detention standards
10/1/2013	Modification P00005 to amend ICE consolidated invoicing
4/29/2014	Modification P00007 to amend ICE consolidated invoicing
9/30/2014	Modifications P00011, P00013, and P00015 to deobligate unused funds
7/14/2015	New Five-Year Agreement (July 20, 2015 – July 19, 2020)

The Sheriff requests approval and authorization to execute Modification P00008 to the five-year IGSA with ICE, effective upon Board of Supervisors approval through July 19, 2020. Proposed Modification P00008 will increase the bed capacity for detainees by 120 beds for a total of 958 beds, in order to accommodate the ICE detainees in the Orange County jail facilities. No additional staffing or ICE staffing workspace will be needed to accommodate this request at this time. Proposed Modification P00008 will allow the Sheriff to accommodate a larger ICE bed capacity for detainees when needed. Additionally, the Transportation/Mileage rate on the original agreement noted the amount of \$0.50 per mile. However, as the mileage rate fluctuates, ICE prefers that this line be left blank. Proposed Modification P00008 reflects that mileage will be paid in accordance with General Services Administration for Privately Owned Vehicles (i.e., GSA POV). ICE has historically reimbursed at the current Transportation/Mileage rate.

FINANCIAL IMPACT:

The total estimated revenue to be received from the federal government pursuant to the IGSA with the proposed modification is approximately \$27,026,800 per year. If 100% of the available bed capacity is utilized, the ICE annual revenues are anticipated to increase by \$5,026,800, from approximately \$22,000,000 to \$27,026,800 per year. During the current fiscal year, the anticipated increased revenue is estimated to be \$657,024, which is expected to be absorbed within the existing Modified Budget for Budget Control 060, Sheriff-Coroner Department and Budget Control 042, Health Care Agency and the revenue will be included in the budgeting

process for future fiscal years. This revenue recovers costs incurred by the Sheriff-Coroner Department and HCA to provide the services set forth in the IGSA.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

Health Care Agency

ATTACHMENT(S):

Attachment A - Modification P00008 to Agreement

Attachment B - Redline of Page Four of Agreement