

W.B.D.K.

**ABREVIATED CONSENT CALENDAR MEMO**

Memorandum Date: 20 August 2008  
Order Date: 3 September 2008

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TO: Board of County Commissioners

DEPARTMENT: Lane County Sheriff's Office

PRESENTED BY: Judy Simpson

**AGENDA ITEM TITLE: IN THE MATTER OF RATIFYING EXECUTION BY THE COUNTY ADMINISTRATOR OF MODIFICATION 8 TO INTERGOVERNMENTAL AGREEMENT 047-9 BETWEEN THE FEDERAL BUREAU OF PRISONS AND LANE COUNTY TO INCREASE THE PER DIEM DAILY RATES**

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I. MOTION

MOVE TO APPROVE RATIFICATION OF MODIFICATION 8 TO BUREAU OF PRISONS INTERGOVERNMENTAL AGREEMENT 047-9

II. DISCUSSION

A. Background/Analysis

Board Order 89-6-7-10 authorized the execution of Intergovernmental Agreement (IGA) 047-9 between the Federal Bureau of Prisons (BOP) and Lane County for housing inmates at the Community Corrections Center (CCC) beginning 1 May 1989 at a per diem daily rate of \$48.89, IGA total not to exceed \$89,224.25 per fiscal year.

Modification 2 to IGA 047-9 added electronically monitored home confinement (ESP) services beginning 26 June 1989 at a per diem daily rate of \$12.42, an increase of \$12,420.00 per fiscal year.

Board Order 93-1-19-9 authorized execution of Modification 4 to IGA 047-9 to increase both the per diem daily rates and man-day requirements, increasing the agreement to \$259,807.00 per fiscal year.

Board Order 96-6-5-9 authorized execution of Modification 6 to IGA 047-9 to increase the per diem daily rates, and thereby increasing the estimated IGA total to \$299,081.00 per fiscal year.

Modification 8 to IGA 047-9 increases the daily per diem rates to \$115 for CCC services and \$50 for ESP services. The performance period for Modification 8 begins 1 September 2008 and expires 28 February 2009. The estimated total value of Modification 8 is \$582,820.00.

The temporary extension of IGA 047-9 will allow both BOP and Lane County the time to process a new 3-year IGA.

Modification 8 to IGA 047-9 exceeds the County Administrator's authority to execute without Board approval.

B. RECOMMENDATION

Staff recommends ratifying Modification 8 to Intergovernmental Agreement 047-9 to increase the daily per diem rates for the Community Corrections Center and Electronic Surveillance Program beginning 1 September 2008.

Modification 8 to IGA 047-9 required immediate execution because it is imperative the new rates take effect as scheduled on 1 September 2008. With the adoption of the Fiscal Year 2009 budget which eliminated or reduced many of the Sheriff's Office Correctional Alternative Programs, a major increase in the per diem man-day rate was required in order to keep the Community Corrections Center open.

II. ATTACHMENTS

1. Proposed Board Order No. \_\_\_\_\_.
2. Intergovernmental Agreement 047-9, Modification 8.

**IN THE BOARD OF COUNTY COMMISSIONERS OF Lane County, OREGON**

**ORDER NO. )IN THE MATTER OF RATIFYING EXECUTION BY  
)THE COUNTY ADMINISTRATOR OF  
)MODIFICATION 8 TO INTERGOVERNMENTAL  
)AGREEMENT 047-9 BETWEEN THE FEDERAL  
)BUREAU OF PRISONS AND LANE COUNTY TO  
)INCREASE THE PER DIEM DAILY RATES**

**WHEREAS**, the Federal Bureau of Prisons (BOP) has agreed to an increase in the Community Corrections Center and Electronic Surveillance Program services per diem daily rates.

**WHEREAS**, the BOP is temporarily extending the current Intergovernmental Agreement 047-9 to provide enough time to negotiate a new 3-year BOP Agreement.

**WHEREAS**, the performance period for Modification 8 begins 1 September 2008 and expires 28 February 2009, with an estimated total value of \$582,820.00.

**WHEREAS**, immediate execution of the modification was required because of the need to generate an increase in the alternative program revenue in order to keep the program open.

**WHEREAS**, Board of Commissioner approval is required because Modification 8 exceeds the execution authority of the County Administrator.

**IT IS HEREBY ORDERED** that the Board of County Commissioners ratify execution by the County Administrator of Modification 8 to Intergovernmental Agreement 047-9, attached Exhibit "A".

Signed this                      day of                      , 2008

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM:  
Date 8/20/08 Issue County  
ZIL  
OFFICE OF LEGAL COUNSEL

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INTERGOVERNMENTAL AGREEMENT

IGA 047-9, Modification 8

between the

Federal Bureau of Prisons  
U.S. Department of Justice  
320 First Street, NW  
Washington, D.C.

and

Lane County Sheriff's Office  
Adult Corrections Division  
101 West Fifth Avenue  
Eugene, Oregon

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Intergovernmental Agreement (IGA or Agreement) 047-9 is hereby modified as follows in accordance with Section 3 of the original agreement:

2. PERIOD OF PERFORMANCE:

The performance period of this Agreement is changed to a definitive expiration date of February 28, 2009.

5. PAYMENT:

Increase the CCC services per diem daily rate to \$115.00 per inmate, per inmate day for housing BOP adults at Lane County. Increase the electronic monitoring home confinement rate to \$50.00. The estimated number of inmates to be housed under this agreement modification is 28. The estimated total value of this modification is not to exceed: \$582,820.00.

Funds are provided for this IGA during the period September 1, 2008 through February 28, 2009.

All other terms and conditions of this Agreement remain unchanged.

IN WITNESS WHEREOF, the undersigned, duly-authorized officers have subscribed their names on behalf of the Federal Bureau of Prisons and the Lane County Sheriff's Office.

ACCEPTED:

US DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF PRISONS

By: \_\_\_\_\_  
Darlene Ely  
Procurement Executive

Date: \_\_\_\_\_

ACCEPTED:

LANE COUNTY SHERIFF'S OFFICE

By: Russel Burger  
Russel Burger  
Sheriff

Date: 8/13/08

By: Jeff Spartz  
Jeff Spartz  
County Administrator

Date: 8/14/08

APPROVED AS TO FORM  
Date 8/13/08 Lane County  
AL  
OFFICE OF LEGAL COUNSEL