



COUNTY ADMINISTRATOR'S OFFICE

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C.H. HUCKELBERRY
County Administrator

November 13, 2019

The Honorable Kyrsten Sinema
United States Senator
317 Hart Senate Office Building
Washington, DC 20510

**Re: Assistance in Obtaining Information and Funding our Pima County Operation
Stonegarden Humanitarian Aid Request**

Dear Senator Sinema:

On May 7, 2019, Pima County requested humanitarian aid funding from US Department of Homeland Security (DHS) Operation Stonegarden (OPSG) funds and now, seven months later, we have heard nothing about our request.

Decisions made by the DHS as part of its response to the thousands of people crossing the southern border seeking asylum in the United States has severely taxed the resources of this community. Each week, hundreds of people are being brought to Pima County by DHS. Early in this process, they were left here to fend for themselves; most without any resources such as money or a cell phone. We, as a community, could not stand by and watch these asylum seekers struggle to survive while trying to find the means to locate family and friends who will provide them shelter elsewhere in the country.

To provide basic medical, shelter and transportation services for asylum seekers, the Pima County Board of Supervisors, on July 22, 2019, agreed to enter into a cooperative agreement with Catholic Community Services, for a period of up to five years for the provision of migrant shelter services at a County juvenile justice facility, now known as Casa Alitas. The Board has agreed to make this facility available because it is the best, most cost effective and most expedient solution available for providing respite and travel assistance to the hundreds of asylum seekers brought here every week by DHS.

Casa Alitas, the former Juvenile Justice facility, began operation on August 6, 2019. To date it has provided medical assistance, food, shelter and travel services for released asylum seekers. A total of 3,418 have been served to date and the shelter continues to receive a steady flow of between 150 to 300 per week, primarily from the US Border Patrol. The County has and continues to incur considerable expense in providing the Casas Alitas shelter.

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If it were not for this decision by the Board, it is likely a central community shelter for the processing of asylum seekers released in Tucson would cease to exist and DHS agencies would resume their past practice of releasing these people onto our streets.

Pima County, in good faith, applied for a humanitarian aid grant using Federal OPSG funds as provided for in adopted rules, regulations and policy set forth in Federal Emergency Management Grant Programs Directorate Information Bulletin No. 436 issued November 27, 2018. It is under this authority that our humanitarian aid request was filed. There are a series of events that cast doubt on the Department of Homeland Security, specifically the Border Patrol and Federal Emergency Management's willingness to seriously consider providing humanitarian aid through this process.

Summary of key dates and actions:

- The original OPSG award was received by the Sheriff on March 1, 2019 for a total of \$1,814,586. Of this amount, \$1,155,866 was for overtime, \$50,000 for travel, \$13,120 for mileage and \$595,600 for equipment. Given this matter was controversial in the past, I prepared a staff report for the May 7, 2019 Board of Supervisors Agenda. This staff report was written on April 17, 2019, providing the Board with sufficient time to review the material and ask questions, if necessary.
- On April 23, 2019, the County became aware of Federal Emergency Management Agency Grant Programs Directorate Information Bulletin No. 436 that allowed OPSG funds to directly fund and support humanitarian efforts. This Bulletin is dated November 27, 2018.
- On May 7, 2019, the Board of Supervisors acted on the OPSG grant. I recommended the Board accept the grant. By a vote of 3 to 2, the grant was accepted and modified the overtime amount by reducing overtime with an indirect cost reimbursement to the County for our costs associated with the grant, as well as earmarking \$200,000 of the overtime award to be used for humanitarian aid for asylum seekers.
- On June 25, 2019, the County Administrator received notice from Pima County Sheriff Mark Napier that Arizona Department of Homeland Security has set up a process to modify its Federal Fiscal Year (FFY) 2019 OPSG Overtime/Mileage grant award in relation to US FEMA Information Bulletin No. 436.
- On June 27, 2019, Arizona Department of Homeland Security sends the humanitarian aid modification request application and instructions to Pima County.
- On July 11, 2019, Pima County turns in its Humanitarian Aid Modification Request to Arizona Department of Homeland Security.

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- On July 11, 2019, the County Administrator receives a letter from Roy D. Villareal, US Customs and Border Protection Chief Patrol Agent (Tucson Sector). Chief Villareal acknowledges Pima County's effort to modify the FFY 2018 OPSG grant award in order to prepare and operate a substitute mass shelter facility for the Benedictine Monastery. Chief Villareal emphasizes that Border Patrol Headquarters "holds final approval" over our humanitarian aid modification and reallocation request. Chief Villareal also suggests that Pima County "concurrently apply for grant funding from the State Homeland Security Program (SHSP)" since it "is a preparedness grant, and does not require Border Patrol review."
- September 12, 2019 - After first acknowledging that counties would be eligible for indirect cost reimbursements, including a de minimis allocation for counties who do not have a federally approved indirect cost rate, we are now told by the Arizona Department of Homeland Security, on September 12, 2019, that there will be no de minimis indirect cost rates approved, even though other federal agencies routinely approve such.

It is clear the US Border Patrol views OPSG funds as an exclusive funding domain for law enforcement. Early in the process, we had to seek out Information Bulletin No. 436 that allowed the redirection of funding to humanitarian aid. Knowing the County sought humanitarian aid for OPSG, the US Border Patrol Tucson Sector Chief suggested a number of other funding sources, all of which have proven to be unavailable, committed to other programs, or tied up in additional processes. The Pima County Sheriff has worked diligently with our federal partners to make the case from a public safety perspective of the need for humanitarian aid. However, he has consistently been told that the focus of CBP is operational only with respect to Stonegarden funding. The Sheriff agreed to reallocate funds from the equipment portion of the grant so as to not adversely impact operational capabilities. This should have removed any objection to the request for humanitarian aid, but failed to do so.

In addition, it was acknowledged the County was eligible for indirect cost reimbursement early in the process. Then, in the middle of the process, we were informed the Federal and State Departments of Homeland Security somehow determined we were ineligible to receive indirect costs at a negotiated de minimis amount, even though the County on a number of occasions negotiated indirect cost de minimis reimbursements from other federal grants.

We are now approaching eight months after we began the process to seek humanitarian aid and five months after we have begun incurring costs in providing a humanitarian shelter and processing site for asylum seekers. We have yet to hear any determination regarding our OPSG humanitarian aid request. Based on these facts, it is clear the US Border Patrol has an ideologically bias against the provision of humanitarian aid using OPSG funding.

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We ask for your direct assistance in resolving this unfair, unreasonable and incorrect interpretation of federal policy regarding the use of OPSG funding for humanitarian aid purposes, particularly since the 2018 OPSG funding period expires on December 31, 2019 or less than two months from now.

Pima County has fully cooperated with the US Border Patrol in the past; in fact, we have permitted a checkpoint on a County public highway at their request. We now ask for similar cooperative consideration in the funding of humanitarian aid.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/mp

- c: The Honorable Chairman and Members, Pima County Board of Supervisors
The Honorable Mark Napier, Pima County Sheriff
Arizona Border Counties Coalition Members:
The Honorable Ann English, Cochise County Representative
The Honorable Sharon Bronson, Pima County Representative
The Honorable Bruce Bracker, Santa Cruz County Representative
The Honorable Tony Reyes, Yuma County Representative
Roy D. Villareal, Chief Patrol Agent - Tucson Sector, US Customs and Border Protection
Gilbert Orrantia, Director, Arizona Department of Homeland Security
Susan Dzbanko, Assistant Director, Planning and Preparedness, Arizona Department of Homeland Security
Jan Leshner, Chief Deputy County Administrator