

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Sheriff

BOARD AGENDA: 4.B.2
AGENDA DATE: March 6, 2018

SUBJECT:

Approval for the Sheriff to Accept an Award of \$300,000 from the Boating Safety and Enforcement Financial Aid Program for Budget Year 2018-2019

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0113

On motion of Supervisor Withrow, Seconded by Supervisor Olsen
and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended


2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Sheriff

BOARD AGENDA:4.B.2
AGENDA DATE: March 6, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval for the Sheriff to Accept an Award of \$300,000 from the Boating Safety and Enforcement Financial Aid Program for Budget Year 2018-2019

STAFF RECOMMENDATION:

1. Authorize the Sheriff to accept funding in the amount of \$300,000 from the California Department of Parks and Recreation, Division of Boating and Waterways.
2. Authorize the Sheriff to sign all quarterly reimbursement claims and other required documents for the State Department of Boating and Waterways.
3. Approve a formal resolution as required by the State to receive this grant.

DISCUSSION:

In Fiscal Year 2015-2016, the Board of Supervisors authorized the Sheriff's Department to apply for and accept funding from the Boating Safety and Enforcement Financial Aid Program. Each Fiscal Year since, the Department has been invited to submit an application request. This will be the fourth year the California State Parks Division of Boating and Waterways (DBW) has awarded the Sheriff's Department funds that can be utilized for personnel, equipment, operations and maintenance of equipment.

Upon approval of this item, the Sheriff's Department will accept funds in the amount of \$300,000 from the DBW Boating Safety and Enforcement Financial Aid Program. These funds will be used to offset costs related to overtime incurred by the Department's Reservoirs Unit. Reservoir Unit deputies conduct enforcement with State and Local laws and regulations, supervise organized on the water boating activities, and perform search and Rescue Operations.

These additional funds are intended by the State to help mitigate costs that Counties incur patrolling boating and waterways in their local jurisdictions. The grant requires that the Department use all of the Boat Tax Revenue received by the County for Boating and Waterways and only submit an application to the State for those costs that are in excess of the anticipated Boat Tax Receipts. For the 2018-2019 Budget Year, the Auditor's Office projects the County will receive \$35,141 in Boat Tax Receipts and the Department anticipates spending in excess of \$1,056,131 for enforcement at the Reservoirs. This allows the County to claim at least \$1,020,990 in reimbursable expenses for the 2018-2019 Budget Year.

POLICY ISSUE:

The Sheriff has the responsibility to perform boating safety and enforcement patrol on the waterways of Stanislaus County. Section 663.7 of the Harbors and Navigation Code, as amended by Section 6593 of the California Code of Regulations, established the Boating Safety and Enforcement Financial Aid Program to provide State financial aid to local governmental agencies. Harbors and Navigation Code Section 663.7 requires the application include a resolution adopted annually by the Board of Supervisors authorizing the County to participate in the program and certifying the County will expend not less than an amount equal to 100 percent of the Boat Tax Receipts received for boating safety programs during the year.

FISCAL IMPACT:

Stanislaus County is accepting an award of \$300,000 from the Boating Safety and Enforcement Financial Aid Program for use in the 2018-2019 Budget Year and will apply the money to offset overtime costs in the Sheriff Operations budget associated with Boating Safety and Enforcement Activities. The County is expected to incur \$1,020,990 in reimbursable expenses during the 2018-2019 Budget Year, allowing the \$300,000 in funding to be fully utilized. This revenue will offset County General Fund Costs by \$300,000 and will be included in the Department's Fiscal Year 2018-2019 Proposed Budget.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priority of *Supporting Strong and Safe Neighborhoods* by allowing the Department to receive State funding to offset costs to conduct enforcement at the County Reservoirs.

STAFFING IMPACT:

The activities required by this Financial Aid Program will be carried out by the existing staff in the Sheriff Operations Division. No additional staffing will be required to meet the terms of this grant.

CONTACT PERSON:

Larry Seymour, Lieutenant

Telephone: (209) 652-0766

ATTACHMENT(S):

1. Resolution
2. Boating Safety and Enforcement Financial Aid Program Agreement

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: March 6, 2018

2018-0113

On motion of Supervisor Withrow Seconded by Supervisor Olsen
and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # 4.B.2

THE FOLLOWING RESOLUTION WAS ADOPTED:

**STANISLAUS COUNTY BOARD OF SUPERVISORS
2018-2019 DEPARTMENT OF BOATING AND WATERWAYS FINANCIAL AID PROGRAM**

WHEREAS, the Stanislaus County Sheriff's Office submitted an application to the California Department of Parks and Recreation Division of Boating and Waterways for Boating Safety (hereafter referred to as DBW) and Enforcement Financial Aid, and;

WHEREAS, the Boating and Safety Enforcement Financial Aid Program will offset costs incurred by Stanislaus County Sheriff's Office Reservoirs Unit, and;

WHEREAS, the Stanislaus County Sheriff's Office operates a Boating Safety Unit. The responsibility of this Unit is to provide law enforcement and rescue services to each of the County's freshwater lakes and reservoirs, and;


WHEREAS, the DBW program award for Stanislaus County Budget Year 2018-2019 is \$300,000. These revenues will be budgeted in the Budget Year 2018-2019 Sheriff Operations Budget to offset County General Fund costs accordingly, and;

WHEREAS, Stanislaus County receives an estimated \$35,141 in Boat Tax Revenue

NOW, THEREFORE, BE IT RESOLVED that the Sheriff of Stanislaus County is hereby authorized to accept this funding from DBW.

BE IT FURTHER RESOLVED that the Sheriff will only claim those expenses in excess of \$35,141 in accordance with the terms of this program.

ATTEST: **ELIZABETH A. KING, Clerk**
Stanislaus County Board of Supervisors,
State of California



File No.



Boating Safety and Enforcement Financial Aid Program Agreement

This agreement entered into this *1ST day of July, 2018*, by and between the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, hereinafter called "Department," and the *COUNTY OF STANISLAUS*, hereinafter called "Agency";

WITNESSETH

WHEREAS, Contingent on approval of the **Fiscal Year 2018-2019** budget, the Department intends to agree with Agency for the purpose of performing boating safety and enforcement activities as described in Title 14, California Code of Regulations Section 6593.3; and

WHEREAS, Agency is equipped, staffed and prepared to provide such services on the terms and conditions set forth in this agreement and in accordance with Title 14, California Code of Regulations Section 6593 et seq.; and

WHEREAS, pursuant to Title 14, California Code of Regulations Section 6593.6, Department shall enter into an annual agreement with each participating agency;

NOW, THEREFORE, it is mutually agreed as follows:

I. Applicable Law

Agency shall observe and comply with all applicable federal, state, and county statutes, ordinances, regulations, directives, and laws, including, but not limited to, Harbors and Navigation Code Section 663.7 and Section 6593 et seq. of Title 14, California Code of Regulations. Agreement shall be deemed to be executed within the State of California and construed and governed by the laws of the State of California.

II. Description of Services

Agency shall conduct boating safety and enforcement activities in the jurisdiction of the Agency in consideration of the payments hereinafter set forth.

III. Payments

- A. **Maximum Amount.** The amount the Department shall be obligated to pay for services rendered under this agreement shall not exceed **\$300,000.00** for the agreement term in full consideration of Agency's performance of the services described in this agreement.
- B. **Rate of Payment.** The Department shall reimburse Agency in accordance with the reimbursement procedures set forth in Title 14, California Code of Regulations Section 6593.9.

- C. Submission of Claims. Agency shall submit claims for reimbursement to the Department contact person identified in paragraph V of this contract on a ___ monthly **OR** **X** quarterly basis. **(Please check one)**
- D. Failure to Submit Claims. Claims for reimbursement shall be submitted within 60 days following the last day of the reporting period. Pursuant to Title 14, California Code of Regulations 6593.9 (i), the Department may reduce an Agency's allocation by five percent if the Agency exceeds the sixty-day billing period and an additional five percent for every thirty-day period thereafter that the Agency is late in filing a claim.

IV. Records

Agency shall maintain records pursuant to Section 6593.10 of Title 14, California Code of Regulations.

V. Notice

Notice shall be in writing and shall be deemed to have been served when it is deposited in the United States mail, first class postage prepaid, and addressed as follows:

TO DEPARTMENT

*Ms. Joanna Andrade
Department of Parks and Recreation
Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814*

TO AGENCY

*Stanislaus County Sheriff's Department
250 E. Hackett Road
Modesto, CA 95358*

Either party may change the address to which subsequent notice and/or other communication can be sent by giving written notice designating a change of address to the other party.

VI. Term

This agreement shall be for the term beginning **July 1, 2018**, and ending **June 30, 2019**.

VII. Prior Agreements

All prior agreements regarding this subject matter between Department and Agency are hereby terminated effective June 30 prior to the term beginning date of this agreement.

VIII. Amendment

No amendment or variation of the terms of this agreement shall be valid unless made in writing and signed by the parties hereto.

IX. Termination

Agency may terminate this agreement without cause in writing at any time. Department may terminate this agreement without cause upon a sixty (60) days written notice served upon the Agency.

X. Special Provisions

- A. Agency hereby certifies that the obligations created by this agreement do not violate the provisions of Sections 1090 to 1096 of the Government Code.
- B. This agreement shall have no force or effect until signed by the Department, Agency, and approved by the Department of General Services Legal Department, if required.
- C. Agency shall continue with the responsibilities of this agreement during any dispute.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS

By: Ramona Hernandez
*California Department of Parks and Recreation,
Division of Boating and Waterways*

Date: 5/24/18
"Department"

COUNTY OF STANISLAUS

By: [Signature]

Title: Sheriff-Coroner
Date: 4/24/18
"Agency"

