

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

DEPT: SHERIFF

BOARD AGENDA #                      \*B-10

Urgent

Routine

AGENDA DATE January 5, 2016

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval for the Sheriff to Apply for and Accept if Awarded \$150,000 From the Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2015-2016

STAFF RECOMMENDATIONS:

1. Authorize the Sheriff to sign, submit and accept if awarded an application to the Boating Safety and Enforcement Financial Aid Program for up to \$150,000.
2. Authorize the Sheriff to sign all quarterly reimbursement claims and other documents for the State Department of Boating and Waterways.

FISCAL IMPACT:

The grant described in this Agenda Item will provide \$150,000 to offset overtime costs in the Sheriff-Operations budget associated with Boating Safety and Enforcement Activities. The County is expected to incur \$1,156,302 in reimbursable expenses during the 2015-2016 fiscal year, allowing the grant to be fully utilized.

If the grant is awarded the Department will return to the board to request an increase in revenue and appropriations of up to \$150,000.

BOARD ACTION AS FOLLOWS:

No. 2016-17

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

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: Christine Ferraro  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval for the Sheriff to Apply for and Accept if Awarded \$150,000 From the Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2015-2016

## **DISCUSSION:**

The State of California, Department of Boating and Waterways (DBW), provides financial aid to local government agencies through its Boating Safety and Enforcement Financial Aid Program. Under this program, DBW provides funds that can be utilized for personnel, equipment, operations, and maintenance of equipment. In addition to offsetting personnel costs, the aid can help to replace equipment utilized by the Department in marine enforcement and will help to maintain grounds and structures used as part of these operations as well.

The Stanislaus County Sheriff's Department, upon the passage of this agenda item and corresponding resolution, will apply for funds in the amount of \$150,000 from the State of California, Department of Boating and Waterways (DBW) Boating Safety and Enforcement Financial Aid Program.

If the Department of Boating and Waterways awards the grant, \$150,000 will be used to fund overtime in the Reservoirs Unit in which deputies conduct enforcement with State and Local laws and regulations, supervision of organized on the water boating activities, and Search and Rescue Operations.

Currently, the Sheriff conducts patrols on a semi-daily basis of the Stanislaus County Modesto and Woodward Reservoirs, Turlock Lake, and the Stanislaus, Tuolumne and San Joaquin Rivers. Each of these waterways is patrolled using boats, personal watercraft, Zodiacs, or by foot ensuring that those using the recreational waterways are doing so safely and obeying all laws and safety regulations. During the course of the year, the Department will provide over 10,000 man hours in order to patrol these local waterways, answering more than 750 calls for service and providing a safe environment for the more than 500,000 visitors to the waterways of Stanislaus County each year.

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. In Fiscal Year 2015-2016, the Auditor's Office has projected that the County will receive \$40,084 in Boat Tax Receipts and the budget for this year anticipates spending in excess of \$1,196,386 for enforcement at the Reservoirs. This allows the County to claim at least \$1,156,302 in reimbursable expenses for this fiscal year.

This will be the first time that Stanislaus County has pursued this particular grant. Typically, applicants submit grant requests much earlier in the year; however, grant funds are still available for Fiscal Year 2015-2016 and Stanislaus County has been identified as the recipient of \$150,000 in grant funding, provided the County follows through with the application process and has approval by the Board of Supervisors to enter into the associated agreement. It is anticipated that continued participation in this grant program would result in a larger allotment in future years as the program expands and the Department applies during the normal annual application process.

Approval for the Sheriff to Apply for and Accept if Awarded \$150,000 From the Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2015-2016

**POLICY ISSUES:**

Approving the use of Boating Safety and Enforcement Financial Aid Program grant funding supports the Board of Supervisors' priorities of A Safe Community and Building Effective Partnerships.

**STAFFING IMPACTS:**

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

**CONTACT INFO:**

Larry Seymour, Lieutenant                      (209) 652-0766



## Application for Financial Aid -- 801 Fiscal Year 2015-16

Agency Stanislaus County Sheriff

County Stanislaus

Address 250 E Hackett Rd, Modesto CA 95358

**General Description of Boating Safety and Enforcement Programs:**

*(Give a comprehensive description of all programs in the County. If more space is needed, please attach a separate sheet).*

See attached sheets

Waterways to be Patrolled					Estimated Density by Quarter <sup>a/</sup>			
Lakes, Open Ocean	Area in Square Miles	Primary Usage <sup>b/</sup>	Type(s) of Patrols <sup>c/</sup>	FT or PT <sup>d/</sup>	1st	2nd	3rd	4th
1. Woodward Reservoir	4.5	B	all	FT	731	23	22	608
2. Modesto Reservoir	4.45	B	all	FT	374	41	30	231
3. Turlock Lake	5.5	B	all	PT	not avail			
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
Rivers	Length in Miles	Primary Usage <sup>b/</sup>	Type(s) of Patrols <sup>c/</sup>	FT or PT <sup>d/</sup>	1st	2nd	3rd	4th
1. Stanislaus River	65	Fishing/Rafting	all	PT	not avail			
2. Tuolumne River	50	Fishing/Rafting	all	PT	not avail			
3. San Joaquin River	65	Fishing/Rafting	all	PT	not avail			
4.								
5.								
6.								
7.								
8.								
9.								
10.								

a/ Enter the highest number of boats on the waterway at any one time on any one day in each quarter, excluding holidays and holiday weekends.

b/ A = Fishing; B = Combined recreational boating activities (fishing, water skiing, pleasure boating, etc.)

c/ On-water, foot, truck/vehicle, and/or air

d/ FT = Full-time; PT = Part-time. If less than full-time, specify patrol schedule on a separate sheet.

## **General Description of Boating Safety and Enforcement Programs in Stanislaus County:**

The Stanislaus County Sheriff's Department Special Vehicle Operations Unit (SVOU) along with the Stanislaus County Sheriff's Department Dive Recovery Team provide enforcement, safety, and recovery activities to the citizens of Stanislaus County. We enforce T-14, H&N, F&G, CBL, CVC, and Stanislaus Code under authority section 836(a) / 830.1 CPC & 663.1 H&N. Our Team also conducts vessel inspections, investigations, recoveries, rescues and searches on all waterways within Stanislaus County. We participate in OES Mutual Aid requests and outside Agency requests for boating patrol activities and search and rescue activities. We have recently assisted Sacramento County (Rage on the River) and Oakland PD (Fleet Week).

SVOU is responsible for enforcement and educational contacts, public boating safety education, vessel inspections, swift and open water rescues of lost, stranded, and injured persons. We continually work to provide education on boating safety by attending numerous safety fairs and school events throughout the entire year. By providing education on boating safety we hope to reduce vessel collisions and foster safer boating activities on all of the waterways in our County.

SVOU consists of 1 part time Lieutenant, 4 full time deputies, and is supplemented during peak season with over 30 full time deputies and 2 sergeants working overtime shifts to provide needed coverage and enforcement. Our department's 10 person Dive Team provides rescue and recovery operations for all of the waterways in our County. SVOU's and Dive Team's responsibility is for Woodward Reservoir, Modesto Reservoir, Stanislaus River, Tuolumne River, San Joaquin River, and assists Turlock Lake when requested.

Our Department currently has the following vessels and vehicles in its inventory:

- 2 DBW funded Bolton Aluminum Jet Boats with trailers
- 2 County owned Thunder Jet Aluminum Boats with trailers
- 8 RWC (Personal Water Craft) with trailers
- 2 Ford F250 trucks
- 3 Dodge 1500 trucks
- 1 Chevy Tahoe

Our Department has formed a Mobile Field Force Team that is made up of all members of SVOU and 30 other full time Deputy Sheriffs and supervisory staff. Most members currently have boat operator training, swift water rescue training, PWC operator training and helicopter rescue training. Training is ongoing for those members that have not been trained as of this time. This training gives our Sheriff's Department the ability to respond to any waterway emergency in our County and other Mutual Aid requests.

### **Modesto Reservoir**

Modesto Reservoir has 4.45 square miles of water or 2800 acres of water. It is primarily used for combined recreational activities. During the warmer months the reservoir is used for pleasure boating, personal watercraft use, sailing and waterskiing. The other months Modesto is used for fishing and duck hunting. It is patrolled by boat, personal watercraft, foot patrols, and vehicle patrol. During the busy weekends we are assisted by helicopter patrols. The reservoir is patrolled fulltime May 1<sup>st</sup> thru October 30<sup>th</sup> each year. During the remaining months the deputies patrol the reservoirs full time during the week and patrol OHV parks on the weekends. They still respond as needed on the weekends.

### **Woodward Reservoir**

Woodward Reservoir has 4.5 square miles of water or 2900 acres of water. It is primarily used for combined recreational activities. During the warmer months the reservoir is used for pleasure boating, personal watercraft use, sailing and waterskiing. The other months Woodward is used for fishing and duck hunting. It is patrolled by boat, personal watercraft, foot patrols, and vehicle patrol. During the busy weekends we are assisted by helicopter patrols. The reservoir is patrolled fulltime May 1<sup>st</sup> thru October 30<sup>th</sup> each year. During the remaining months the deputies patrol the reservoirs full time during the week and patrol OHV parks on the weekends. They still respond as needed on the weekends.

### **Turlock Lake**

Turlock Lake has 5.5 square miles of water or 3500 acres of water. It is primarily used for combined recreational activities. During the warmer months the reservoir is used for pleasure boating, personal watercraft use, sailing and waterskiing. The other months is used for fishing and duck hunting. The Lake is part of the State Recreation Area. It is patrolled by us as needed by vehicle, boat, and helicopter to perform specific enforcement or rescue activities. There is not a Ranger stationed at the lake. It is staffed by a recreational service that only has a pontoon boat. We respond to the Lake numerous times a year. The lake also has a county park at its inlet. We patrol the park by vehicle and foot as needed throughout the year.

### **Stanislaus River**

The Stanislaus River is 65 miles in length. The river is used for kayaking, rafting, and fishing. The river has numerous rated rapids. The river has 9 parks that are maintained by the US Army Corp of Engineers. We patrol the parks by vehicle and foot every weekend for 4 months during the warm summer season. We patrol the parks by vehicle and foot 1 time per week the remainder of the year. We respond to all water related emergencies on the river. We utilize our Boats, personal watercraft and Fire Department Zodiacs. When it is necessary we use our helicopter with FLIR to locate missing, stranded or deceased rafters and swimmers.

### **Tuolumne River**

The Tuolumne River is 50 miles in length with several tributaries. The river is used for kayaking, rafting, and fishing. The river has few rapids. The river has 4 parks that are maintained by Stanislaus County Parks. We patrol the parks daily by vehicle and foot for 4 months during the warm summer season. We patrol the parks by vehicle and foot 1 time per week the remainder of the year. We respond to all water related emergencies on the river. We utilize our Boats, personal watercraft and Fire Department Zodiacs. When it is necessary we use our helicopter with FLIR to locate missing, stranded or deceased rafters and swimmers.

### **San Joaquin River**

The San Joaquin River is 65 miles in length with several tributaries. The river is used for kayaking, rafting, and fishing. The river has few rapids. The river has 4 parks that are maintained by Stanislaus County Parks. We patrol the parks daily by vehicle and foot for 4 months during the warm summer season. We patrol the parks by vehicle and foot 1 time per week the remainder of the year. We respond to all water related emergencies on the river. We utilize our Boats, personal watercraft and Fire Department Zodiacs. When it is necessary we use our helicopter with FLIR to locate missing, stranded or deceased rafters and swimmers.



**Boating Safety and Enforcement Aid Program  
Proposed Program Costs -- 801.1  
Fiscal Year 2015-16**

Agency Stanislaus County Sheriff  
Address 250 E Hackett Rd, Modesto, CA 95358

County Stanislaus

**Proposed Program Costs**

1. Personnel (Form 801.2)	1,034,666
2. Operations, Maintenance and Equipment (Form 801.3) <sup>a/</sup>	161,720
3. Total direct BS&E proposed program cost (2+3)	1,196,386
4. Administrative costs <sup>b/</sup>	0
5. Total BS&E proposed program costs (3+4)	1,196,386
6. Less: Boat Taxes (Form 801.4)	40,084
7. Total Net Proposed Program Cost (5-6)	1,156,302

a/ New applicant agencies should use 30% of personnel costs to estimate operations, maintenance and equipment costs in lieu of form 801.3.

b/ Administrative costs cannot exceed five percent of direct BS&E proposed program cost (line 3).

*County Authorized Representative:*

\_\_\_\_\_  
SIGNATURE  
Adam Christianson, Sheriff-Coroner  
\_\_\_\_\_  
TYPED NAME

\_\_\_\_\_  
DATE  
(209)-525-7015  
\_\_\_\_\_  
TELEPHONE





**Boating Safety and Enforcement Aid Program  
Proposed Personnel Costs -- 801.2  
Fiscal Year 2015-16**

Agency Stanislaus County Sheriff

County Stanislaus

**Proposed Personnel Costs**

**Employee Compensation**

	Title	Grade	No. Hours or Months	Pay per Hour or Month	Total Compensation
1.	Deputy Sheriff	5	1,880	34.76	65,349
2.	Deputy Sheriff	5	1,880	37.83	71,120
3.	Deputy Sheriff	5	1,880	37.83	71,120
4.	Deputy Sheriff	5	1,880	35.61	66,947
5.	Lieutenant		1,040	54.24	56,410
6.	Deputy Sheriff	5	4,400	57.99	255,156
7.	Sergeant	5	400	67.13	26,852
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.	Total				612,954

22. Average Customary Fringe Benefit Percent

68.80%

23. Total Proposed Personnel Costs

1,034,666



## Boating Safety and Enforcement Aid Program

### Proposed Operations, Maintenance and Equipment Costs -- 801.3

#### Fiscal Year 2015-16

	Agency	<u>Stanislaus County Sheriff</u>		County	<u>Stanislaus</u>				
<i>Patrol Vessels:</i>	Fuel	38,000	+ Repair	47,000	+ Storage	0	= \$	85,000	-
<i>Vehicles:</i>	Miles	106,000		Mileage Allowance	0.445		=	47,170	-

LIST OTHER O&M AND EQUIPMENT

1. Dive Equipment	\$ 10,000
2. Office Supplies	\$ 5,000
3. Communication and Communication Equipment	\$ 6,000
4. Operating Supplies	\$ 6,000
5. Watercraft Insurance	\$ 2,050
6. Cleaning Supplies	\$ 500
7.	\$
8.	\$
9.	\$
10.	\$
11.	\$
12.	\$
13.	\$
14.	\$
15.	\$
16.	\$
17.	\$
18.	\$
19.	\$
20.	\$
21.	\$
22.	\$
23.	\$
24.	\$
25.	\$
<b>Total</b>	<b>\$ 161,720 -</b>





**Boating Safety and Enforcement Financial Aid Program Agreement**

This agreement entered into this *1<sup>ST</sup> day of August, 2015*, 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 2015-2016 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 **\$150,000.00** 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. Corrina Dugger  
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 **August 1, 2015**, and ending **June 30, 2016**.

**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: \_\_\_\_\_

*California Department of Parks and Recreation,  
Division of Boating and Waterways*

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

“Department”

COUNTY OF STANISLAUS

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

“Agency”

APPROVED AS TO FORM:  
STANISLAUS COUNTY COUNSEL  
BY



DATE: 12-18-15