

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

DEPT: Sheriff

BOARD AGENDA #: *B-6

AGENDA DATE: March 22, 2016

SUBJECT:

Approval for the Sheriff to Accept an Award of up to \$150,000 From the California State Parks Division of Boating and Waterways Boating Safety and Enforcement Financial Aid Program for Budget Year 2016-2017

BOARD ACTION AS FOLLOWS:

No. 2016-144

On motion of Supervisor Chiesa, 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: Elizabeth A. King
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 #: *B-6
Urgent Routine

AGENDA DATE: March 22, 2016

CEO CONCURRENCE:   4/5 Vote Required: Yes No

SUBJECT:

Approval for the Sheriff to Accept an Award of up to \$150,000 From the California State Parks Division of Boating and Waterways Boating Safety and Enforcement Financial Aid Program for Budget Year 2016-2017

STAFF RECOMMENDATIONS:

1. Authorize the Sheriff to sign a contract accepting up to \$150,000 in funding from the Boating Safety & Enforcement Financial Aid Program.
2. Authorize the Sheriff to sign all quarterly reimbursement claims and other documents for the State Department of Boating and Waterways.
3. Approve a formal resolution as required by the State to receive this grant.

DISCUSSION:

The California State Parks Division 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.

January 5, 2016 the Board approved acceptance of the award of \$150,000 in funding for Fiscal Year 2015-2016 from DBW. For Budget Year 2016-2017 the Stanislaus County Sheriff's Department, upon the passage of this Agenda Item and corresponding resolution, will be able to accept funds of up to \$150,000 from the Division of Boating and Waterways (DBW) Boating Safety and Enforcement Financial Aid Program. The Department plans to apply for these funds annually and anticipates receiving at least \$150,000 every year to offset overtime and equipment costs associated with law enforcement on the County's waterways. No additional costs are anticipated as a result of participating in this program.

The funds from the DBW 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.

Approval for the Sheriff to Accept an Award of up to \$150,000 From the California State Parks Division of Boating and Waterways Boating Safety and Enforcement Financial Aid Program for Budget Year 2016-2017

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 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 Budget Year 2016-2017, 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 means that the County will incur approximately \$1,156,302 in reimbursable expenses under the term of this grant. However, Stanislaus County has only been allocated \$150,000 in Financial Aid under this program.

POLICY ISSUE:

The Sheriff has the responsibility to perform boating safety and enforcement patrol on the waterways of Stanislaus County. The Sheriff plans to budget an estimated cost to conduct enforcement on the waterways for the 2016-2017 Budget Year within the Proposed Budget. Section 663.7 of the Harbors and Navigation Code as amended by section 6593 of the California Code of Regulations put in place the Boating Safety and Enforcement Financial Aid Program to provide State financial aid to local governmental agencies whose waterways have high usage and costs that exceed the Boat Tax Revenue that is received by the County. Stanislaus County is being awarded up to \$150,000 from this program for use in the 2016-2017 Budget Year and will apply the money toward overtime expenses that will be incurred.

FISCAL IMPACT:

The personnel expenses of patrolling the County's waterways will be budgeted in the Sheriff Operations budget for Budget Year 2016-2017. Accepting this award will allow the Department to receive \$150,000 in reimbursement for expenses that are going to be incurred to provide patrol operations on the County's waterways.

Approval for the Sheriff to Accept an Award of up to \$150,000 From the California State Parks Division of Boating and Waterways Boating Safety and Enforcement Financial Aid Program for Budget Year 2016-2017

Cost of recommended action:		\$ 150,000
Source(s) of Funding:		
DBW Financial Aid Program	150,000	
Funding Total:		\$ 150,000
Net Cost to County General Fund		\$ -

Budget Year:	2016-2017
Budget Adjustment/Appropriations needed:	No

BOARD OF SUPERVISORS' PRIORITY:

Acceptance of funding from the Boating Safety and Enforcement Financial Aid Program supports the Board Priority of A Safe Community.

STAFFING IMPACT:

All activities paid for by this grant will be covered by existing staff working overtime.

CONTACT PERSON:

Larry Seymour, Lieutenant (209) 652-0766

ATTACHMENT(S):

Resolution

Boating Safety and Enforcement Financial Aid Program Agreement

Attachment 1

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

Date: March 22, 2016

2016-144

On motion of Supervisor Chiesa 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

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *B-6

RESOLUTION

STANISLAUS COUNTY BOARD OF SUPERVISORS

2016-2017 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 the 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 2016-2017 is \$150,000. These revenues will be budgeted in the Budget Year 2016-2017 Reservoirs Unit to offset County General Fund costs accordingly, and;

WHEREAS, Stanislaus County receives an estimated \$40,084 in Boat Tax Revenue

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

BE IT FURTHER RESOLVED that the Sheriff will only claim those expenses in excess of \$40,084 in accordance with the terms of this Program.

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



File No.

Attachment 2



Boating Safety and Enforcement Financial Aid Program Agreement

This agreement entered into this *1ST day of July, 2016*, 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 2016-2017 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** ___ 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 **July 1, 2016**, and ending **June 30, 2017**.

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: 3-8-11