



**Sheriff's Office
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: March 19, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Ed Lardner, Grant Specialist PHONE: (559) 802-9462

SUBJECT: Accept the Financial Aid Award from the California State Parks Division of Boating and Waterways.

REQUEST(S):

That the Board of Supervisors:

1. Approve an Agreement for financial aid from the California State Parks Division of Boating and Waterways for Fiscal Year 2019/20 in the amount not to exceed \$256,932 for the period of July 1, 2019 to June 30, 2020.
2. Authorize the Chairman to sign four copies of the Agreement.

SUMMARY:

On December 11, 2018 your Board authorized the submission of an application for financial aid from the California State Parks Division of Boating and Waterways Financial Aid Program. The program provides an avenue for the Sheriff's Office to apply for partial reimbursement related to costs associated with the Boating and Safety Enforcement Unit to provide patrol services at local waterways. In Tulare County, these waterways include Lakes Success and Kaweah, along with seasonal coverage of portions of the County's river system. The state subsidy defrays a portion of each county's costs to provide these marine patrol services. Many of the obligations and details of the program are contained in California Code of Regulations § 6593, attached.

Participation in this Financial Aid Program must be approved by the Board of Supervisors prior to release of funding from the California State Parks Department of Boating and Waterways. Today, the Sheriff's Office requests that your Board approve an agreement for this subsidy to Tulare County for Fiscal Year 2019/20

SUBJECT: Accept the Financial Aid Award from the California State Parks Division of Boating and Waterways.

DATE: March 19, 2019

(July 1, 2019, through June 30, 2020).

A prior agreement, identical except for the term or time period and/or dollar value, was approved as to form by County Counsel on April 11, 2017. The substantive deviations from the standard County boilerplate identified in the prior agenda item were: The Agreement is a special agreement with a State department for financial aid and not a service contract. The proposed renewal agreement does not include any additional deviations from the standard County boilerplate. The only changes from the prior agreement are to the time period of the agreement, for the period of July 1, 2019 to June 30, 2020. The price for services has not changed.

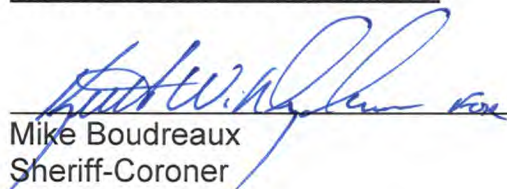
FISCAL IMPACT/FINANCING:

The operational expenses will come from the operational budget of the Sheriff's Office for the Boating and Safety Enforcement Unit during FY 2019/20. The state subsidy to operate the County's patrol boat unit is \$256,932 during FY 2019/20.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Safety and Security Initiative. The acceptance of this financial aid award will assist in funding the Sheriff's Office Boating and Safety Enforcement Unit which helps fulfill this initiative by ensuring Deputies have the necessary resources to patrol the County waterways.

ADMINISTRATIVE SIGN-OFF:


Mike Boudreaux
Sheriff-Coroner

cc: County Administrative Office

Attachment A – Financial Aid Award Agreement

Attachment B – California Code of Regulations Sections 6593-6592.10

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF ACCEPT THE)
FINANCIAL AID AWARD FROM THE) Resolution No. _____
CALIFORNIA STATE PARKS DIVISION) Agreement No. _____
OF BOATING AND WATERWAYS)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved an Agreement for financial aid from the California State Parks Division of Boating and Waterways for Fiscal Year 2019/20 in the amount not to exceed \$256,932 for the period of July 1, 2019 to June 30, 2020.
2. Authorized the Chairman to sign four copies of the Agreement.

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WESTLAW California Code of Regulations[Home Table of Contents](#)**§ 6593. Short Title.**

14 CA ADC § 6593

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Title 14. Natural Resources

Division 4. Department of Boating and Waterways

Chapter 1. Department of Boating and Waterways

Article 4.5.1. Boating Safety and Enforcement Financial Aid Program

14 CCR § 6593

§ 6593. Short Title.

.This article shall be known and may be cited as the Boating Safety and Enforcement Financial Aid Program Regulations under which the Department of Boating and Waterways may provide State financial aid to local agencies' qualified boating safety and enforcement programs pursuant to Section 663.7 of the Harbors and Navigation Code.

Note: Authority cited: Section 663.7(k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New article 4.5.1 (sections 6593-6593.11) and section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

This database is current through 3/24/17 Register 2017, No. 12

14 CCR § 6593, 14 CA ADC § 6593

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14 CA ADC § 6593.1

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Division 4. Department of Boating and Waterways

Chapter 1. Department of Boating and Waterways

Article 4.5.1. Boating Safety and Enforcement Financial Aid Program

14 CCR § 6593.1

§ 6593.1. Purpose.

The purpose of the Boating Safety and Enforcement Financial Aid Program is to augment a participating agency's revenues for boating safety and enforcement activities when an agency incurs boating safety and enforcement program costs that exceed actual vessel taxes received by the county for boating safety and enforcement activities. The program is not intended to fully fund a participating agency's boating safety and enforcement activities, and agency participation in the program is entirely voluntary.

Note: Authority cited: Section 663.7(k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

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14 CCR § 6593.1, 14 CA ADC § 6593.1

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§ 6593.2. Definitions.

14 CA ADC § 6593.2

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Title 14. Natural Resources

Division 4. Department of Boating and Waterways

Chapter 1. Department of Boating and Waterways

Article 4.5.1. Boating Safety and Enforcement Financial Aid Program

14 CCR § 6593.2

§ 6593.2. Definitions.

The following definitions shall be used in this article.

- (a) "Administrative costs" are the costs incurred by a participating agency for indirect services necessary for the operation of a participating agency's boating safety and enforcement program.
- (b) "Agency" means a county of the State, or a city, district or other public agency within a county, that participates, or applies to participate, in the Boating Safety and Enforcement Financial Aid Program.
- (c) "Allowable costs or expenses" means the costs or expenditures made by a participating agency that are authorized by the department.
- (d) "Baseline financial aid eligibility allocation" means a participating agency's financial eligibility allocation as described in Section 6593.7 of this article.
- (e) "Boat patrol" means a boating safety and enforcement unit of qualified boating safety and enforcement officers (full-time or seasonal).
- (f) "Boating safety and enforcement officer" means trained personnel authorized and retained by a participating agency to perform boating safety and enforcement activities.
- (g) "Boating safety programs" and "boating safety and enforcement programs" are participating agency programs comprised of boating safety and enforcement activities.
- (h) "Calendar year" means the period of twelve consecutive months that runs from January 1 through December 31 of the same year.
- (i) "Department" means the California Department of Boating and Waterways, unless otherwise specified.
- (j) "Equipment" means boating-specific equipment or other support equipment used to implement or conduct boating safety and enforcement activities.
- (k) "Fiscal year" means the period of twelve consecutive months that runs from July 1 of one year through June 30 of the following year.
- (l) "Fringe benefits percent" is the percentage used by the participating or applicant agency to estimate the costs of non-salary benefits for an employee, such as workers' compensation premiums, retirement contributions, uniform allowances, insurance, payments made under the Federal Insurance Contributions Act, and any other employee benefit approved by the department. The percent is expressed as a percentage of direct salary costs and is calculated by dividing the fringe benefits cost by the direct salary cost of an employee.
- (m) "Mid-range or equivalent journeyman level average hourly pay" is the average hourly pay for a typical employee of an applicant agency. The mid-range is used if there are an odd number of pay steps or an equivalent is used if there is an even number of pay steps. An equivalent is calculated by averaging the two middle pay steps.
- (n) "Quarter" means a period of three consecutive months during the fiscal year. The quarters of the State's fiscal year are comprised of four consecutive three-month segments, as noted below.

(1) Quarter 1 = July 1 through September 30

(2) Quarter 2 = October 1 through December 31

(3) Quarter 3 = January 1 through March 31, and

(4) Quarter 4 = April 1 through June 30.

(o) "Program reduction" means a reduction in a participating agency's annual allocation due to insufficient program expenditures as described in Section 6593.7 of this article.

(p) "Unallocated funds" are funds that have not been spent or used by participating agencies' boating safety and enforcement programs pursuant to section 6593.7(c) of this article.

(q) "Vessel taxes received by the county" are funds equal to 100 percent of the amount received by the county from the share of personal property taxes on vessels allocated to the County General Fund for boating safety and enforcement activities.

Note: Authority cited: Section 663.7(k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

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14 CCR § 6593.2, 14 CA ADC § 6593.2

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WESTLAW California Code of Regulations[Home Table of Contents](#)**§ 6593.3. Boating Safety and Enforcement Activities.**

14 CA ADC § 6593.3

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Title 14. Natural Resources

Division 4. Department of Boating and Waterways

Chapter 1. Department of Boating and Waterways

Article 4.5.1. Boating Safety and Enforcement Financial Aid Program

14 CCR § 6593.3

§ 6593.3. Boating Safety and Enforcement Activities.

For the purposes of receiving State financial aid under Section 663.7 of the Harbors and Navigation Code, boating safety and enforcement activities include:

- (a) Enforcement of State and local laws and regulations for boating activities by means of vessel, foot patrol, motor vehicle, or aircraft. Educating the public on State and local laws and regulations is included as enforcement.
- (b) Inspection of vessels for compliance with required safety equipment, registration requirements, and sanitation and pollution control that satisfy the intent of State law.
- (c) Supervision of organized on-the-water boating activities or water events that allows for the protection and safety of the boating public during such activities or events.
- (d) Search and rescue operations originating from on-the-water boating activities, including the recovery of drowned bodies that are the result of boating activities.

Note: Authority cited: Section 663.7(k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

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14 CCR § 6593.3, 14 CA ADC § 6593.3

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§ 6593.4. Eligibility.

14 CA ADC § 6593.4

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Article 4.5.1. Boating Safety and Enforcement Financial Aid Program

14 CCR § 6593.4

§ 6593.4. Eligibility.

Agencies requesting permission to participate are entitled to receive State financial aid for boating safety and enforcement programs on waters under their jurisdiction, provided the following conditions are satisfied:

(a) An applicant agency provides a certified copy of the resolution or minute order from the county board of supervisors with the application for financial aid under the provisions of Section 663.7 of the Harbors and Navigation Code.

(1) In the case of a local government agency within a county, a certified copy of the resolution or minute order shall accompany the application for financial aid from that local government entity, as well as a certified copy of the resolution or minute order from its county board of supervisors, authorizing the agency to participate in the program.

(2) The resolution or minute order shall:

(A) Authorize the chairperson, or designated representative, to sign the application and contract.

(B) Authorize the chairperson, or designated agency representative, to sign the department's form for each reimbursement claim.

(C) Authorize the county auditor to certify the amount of prior year vessel taxes received by the county.

(3) The department may deny the application if the applicant agency fails to provide the above-referenced information or data.

(b) An applicant agency submits a completed application that complies with the requirements of Section 6593.5.

(c) The county in which an applicant agency resides agrees to spend an amount equal to 100 percent of vessel taxes received by the county for boating safety and enforcement activities prior to the agency receiving State financial aid under this program.

(d) An applicant agency maintains an operational boat patrol while receiving State financial aid under this program.

(e) An applicant agency agrees to comply with the reimbursement process in Section 6593.9.

(f) An applicant agency agrees to comply with the reporting requirements in Section 663.7 of the Harbors and Navigation Code.

Note: Authority cited: Section 663.7(k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

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14 CCR § 6593.4, 14 CA ADC § 6593.4

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14 CCR § 6593.5

§ 6593.5. Application.

(a) An agency applying for financial aid under the Boating Safety and Enforcement Financial Aid Program shall complete an annual application. The annual Boating Safety and Enforcement Financial Aid Program application for a county shall accompany all applications from other governmental agencies within the county requesting aid from the department.

(b) The application shall include, at a minimum, the following estimates for waterways under the jurisdiction of each applicant agency:

- Size of waterway(s) (in square miles for lakes and in miles for rivers or coastline)
- Usage of waterway(s) (types of boating activities)
- Types of patrols (on-water, foot, truck/vehicle, and/or air)
- Workload seasonality adjustments (unusual increases/decreases in staffing)
- Number of boats on the waterways.

(c) A participating agency shall submit a completed application to the department at least six months prior to the start of the fiscal year for which State financial aid is requested. A new applicant agency shall submit a completed application to the department at least 14 months prior to the start of the fiscal year for which State financial aid is requested.

(d) Subsequent to the expiration of the filing date, amendments to the applications shall be allowed only subject to the approval of the department.

Note: Authority cited: Section 663.7 (k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

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14 CCR § 6593.6

§ 6593.6. Annual Contract.

(a) Beginning in fiscal year 2003-04, every participating agency shall enter into an annual contract with the department prior to the start of the fiscal year. The contract shall indicate, at a minimum, the financial aid eligibility allocation amount for the ensuing fiscal year and whether a participating agency is to submit reimbursement claims on a monthly or quarterly basis.

(b) The department shall send every participating agency a contract at least 90 days prior to the start of the fiscal year. A participating agency shall sign and return the contract to the department at least 15 days prior to the start of the fiscal year. Failure of a participating agency to sign and return the contract 15 days prior to the start of the fiscal year may result in a participating agency losing its financial aid eligibility allocation for that fiscal year.

Note: Authority cited: Section 663.7 (k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

This database is current through 3/24/17 Register 2017, No. 12

14 CCR § 6593.6, 14 CA ADC § 6593.6

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14 CCR § 6593.7

§ 6593.7. Financial Eligibility Formula.

The following formula shall be used for determining annual maximum eligibility allocation amounts for a participating agency eligible for State financial aid under the Boating Safety and Enforcement Financial Aid Program. The State boating safety and enforcement program financial eligibility allocation shall include total State boating safety and enforcement program financial aid for all public entities within a county.

(a) A county that received an allocation in fiscal year 1996-97 shall receive, at a minimum, the amount of the fiscal year 1996-97 allocation, unless the county's program has been reduced by the county or the State. This fiscal year 1996-97 amount is defined as the baseline State financial eligibility allocation. (See Exhibit 1 in Section 6593.11 - Baseline State Financial Eligibility Allocations)

(b) A county that received an allocation subsequent to fiscal year 1996-97 but prior to fiscal year 2003-04 shall receive, at a minimum, the amount of the most recent fiscal year allocation, unless the county's program has been reduced. This amount is also defined as the baseline State financial eligibility allocation and is likewise shown in Exhibit 1 in Section 6593.11.

(c) Beginning with fiscal year 2005-06 and continuing with each fiscal year thereafter:

(1) A participating agency that spends less than its baseline State financial eligibility allocation in both calendar year 2003 and calendar year 2004 shall have its eligibility allocation reduced in fiscal year 2005-06. The reduced eligibility allocation amount shall equal the higher amount spent in either calendar year 2003 or calendar year 2004. (See Exhibit 2 in Section 6593.11 -Example of Program Reduction)

(2) A participating agency that spends less than its baseline State financial eligibility allocation during a calendar year period, in the two most recent calendar years, shall have its eligibility allocation reduced in the next fiscal year. The revised eligibility allocation amount shall equal the higher amount spent during one of the two most recent calendar years.

(3) Unallocated funds as a result of (1) or (2) shall be reallocated on an annual one-time basis to those participating agencies that incurred expenditures exceeding their baseline eligibility allocations during the most recent calendar year. These unallocated funds shall be allocated on a prorated basis to participating agencies based on the individual participating agency's expenditures that exceeded baseline eligibility allocations divided by the total statewide expenditures that exceeded baseline eligibility allocations applied to the total statewide unallocated funds. Under no circumstances shall a participating agency receive more than 20 percent of the total funds appropriated to all

participating agencies for boating safety and enforcement programs. The total amount of funds that are reallocated shall not exceed the amount of the total statewide surplus. The reallocated funds shall be treated as a one-time reallocation of unspent funds. (See Exhibit 3 in Section 6593.11 -Example of Reallocation of Unspent Funds)

(d) Beginning with fiscal year 2003-04 and continuing with each fiscal year thereafter, the formula for a new, non-participating applicant agency applying to the program shall be as follows, provided that sufficient funds are appropriated specifically for new agencies:

Total Estimated Boating Safety and Enforcement Costs Less Vessel Taxes
Received by the county Equals State Financial Eligibility Allocation

(1) Total Estimated Boating Safety and Enforcement Costs shall be based on the estimated work-hours of patrol required for boating safety and enforcement activities. Each agency shall justify the estimated number of work hours of patrol by documenting various operations data as part of the application.

(2) The number of work hours shall be multiplied by either the agency's actual hourly pay of boating safety and enforcement officers, or the agency's mid-range or equivalent (i.e., third of five pay steps) journeyman level average hourly pay, and either the agency's actual fringe benefit percent for boating safety and enforcement officers, or the agency's customary average fringe benefits percent, to estimate total personnel costs. This total personnel costs amount shall be multiplied by 30 percent to estimate associated operations, maintenance, and equipment costs. The sum of total personnel costs, and associated operations, maintenance, and equipment costs, shall equal estimated boating safety and enforcement direct costs, which may be increased by up to 5 (five) percent for allowable administrative costs to determine the total estimated boating safety and enforcement costs. These total estimated costs shall be offset by the actual prior year vessel taxes received by the county to determine the net amount of State financial eligibility allocation. (See Exhibit 4 in Section 6593.11 -Example of New Program Calculation)

(3) Each agency applying for financial aid under this section shall submit documentation supporting its calculations as requested by the department. The first-year eligibility allocation for any new agency applying to the program shall be considered that agency's baseline State financial eligibility allocation.

(e) Beginning with fiscal year 2004-05 and continuing with each fiscal year thereafter, a participating agency that demonstrates that its expenditures exceed its baseline State financial eligibility allocations may be eligible for any additional funds appropriated for expansion of existing participating agencies' boating safety and enforcement programs. Any additional funds allocated to a participating agency under this subsection shall be treated as a program increase to the participating agency's baseline State financial eligibility allocation.

(f) Beginning with fiscal year 2004-05 and continuing with each fiscal year thereafter, if funds budgeted for the boating safety and enforcement program are less than the sum of the prior year's individual participating agency allocations, each individual participating agency may have its eligibility allocation reduced in proportion to the overall program shortfall. (See Exhibit 5 in Section 6593.11 -Example of Fund Shortfall Calculation)

Note: Authority cited: Section 663.7 (c), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

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14 CCR § 6593.8

§ 6593.8. Allowable and Non-Allowable Costs.

Beginning in fiscal year 2003-04, all program expenditures under this program shall be spent on personnel and operations, maintenance, and equipment that are used by a participating agency's boat patrol when conducting boating safety and enforcement activities, and administrative costs attributable to a participating agency's boating safety and enforcement program. All program expenditures, including those made with vessel taxes received by the county, shall comply with the requirements of this section.

(a) The following are allowable costs under the program:

(1) Personnel costs of boating safety and enforcement officers, including, but not limited to, salaries, wages, overtime and holiday pay, differential pay, on-call pay, workers' compensation premiums, retirement contributions, uniform allowances, insurance, payments made under the Federal Insurance Contributions Act, and any other employee benefit approved by the department.

(2) Operations, maintenance, and equipment costs, including, but not limited to, fuel; vessel, vessel trailer and equipment repair; storage of vessels, vessel trailers and equipment; vehicle mileage for vehicles used to tow vessels; hull insurance for vessels; communications equipment for items to be attached or mounted to a vessel or vehicle; per diem and other costs associated with non-POST (California Commission on Peace Officer Standards and Training) boating safety and enforcement training; per diem costs associated with overnight boating safety and enforcement assignments that occur at least 50 miles from the main headquarters; dive gear; utilities (including gas, electricity, water, land-based telephone service, and propane charges), office rental and leases, and office equipment for a boat patrol office located in a geographically separate location than the main headquarters; prorated share of vehicle and aircraft leases; and miscellaneous boating equipment.

(3) Administrative costs attributable to a participating agency's boating safety and enforcement program provided such administrative costs are not more than five percent of the total allowable direct program costs.

(4) A participating agency shall provide written justification and obtain prior written approval from the department in order to be reimbursed for the following costs:

(A) Purchase of communications equipment or the rental or leasing of office space.

(B) Any non-POST training course that an employee of a participating agency plans to attend.

(C) Prorated share of leased vehicles and aircraft.

(D) Out-of-state travel.

(b) The following are not allowable costs under the program:

(1) Any cost, either in its entirety or a prorated share, not associated with a participating agency's boating safety and enforcement program.

(2) The purchase of any type of vessel, vessel trailer, vehicle, or aircraft with State funds. Note: the department administers a financial assistance program for purchase of vessels outside of the boating safety and enforcement program. A participating agency may use vessel taxes received by the county for the purchase, or a prorated share of the purchase, of any type of vessel, vessel trailer, vehicle, or aircraft provided such equipment is dedicated solely, or on a prorated basis, for boating safety and enforcement activities.

(3) The general costs necessary in employing, outfitting with weapons, and training personnel in accordance with prescribed statutes affecting peace officers, including, but not limited to, drug screening tests, background checks, psychological testing, fingerprinting fees, law enforcement training unrelated to boating safety and enforcement activities, and training in weaponry.

(4) One-time payments for vacation, sick leave, or compensation time off in lieu of overtime due to separation or medical causes.

(5) Any administrative or overhead costs that exceed five percent of the total allowable direct program costs of a participating agency's boating safety and enforcement program.

Note: Authority cited: Section 663.7 (k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

This database is current through 3/24/17 Register 2017, No. 12

14 CCR § 6593.8, 14 CA ADC § 6593.8

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14 CCR § 6593.9

§ 6593.9. Reimbursement Procedures.

Beginning in fiscal year 2003-04, the following procedures shall be used to reimburse a participating agency for allowable expenditures under the Boating Safety and Enforcement Financial Aid Program. A participating agency may only receive State reimbursement under this program when actual allowable expenditures on boating safety and enforcement activities exceed actual prior year vessel taxes received by the county.

(a) The department shall provide financial aid, under Section 663.7 of the Harbors and Navigation Code, in the form of reimbursements to cover the costs incurred by a participating agency for boating safety and enforcement activities that exceed vessel taxes received by the county, up to the participating agency's State financial eligibility allocation amount. Reimbursements shall equal the actual amount of allowable costs incurred by a participating agency over and above the actual prior year vessel taxes received by the county, up to the State financial eligibility allocation amount.

(b) A participating agency shall submit claims to the department for the purpose of reimbursement under this program. Claims may be submitted by a participating agency on a monthly or quarterly basis as specified in the annual contract. A participating agency shall submit claims indicating actual costs incurred during the month or quarter and total year-to-date actual costs. Claims shall be submitted irrespective of whether State financial aid is reimbursed to the participating agency during the month or quarter.

(c) Personnel costs shall be reimbursed based on the actual number of hours spent on boating safety and enforcement activities, including associated sick leave, vacation, and compensatory time off, during the month or quarter by each boating safety and enforcement officer of the participating agency. Actual hours, and associated sick leave, vacation, and compensatory time off, for each boating safety and enforcement officer shall be multiplied by the boating safety and enforcement officer's hourly pay to determine direct salary costs. Direct salary costs are multiplied by the participating agency's customary average fringe benefits percent to determine total personnel costs.

(d) Associated operations, maintenance, and equipment costs shall be reimbursed based on actual costs.

(e) Administrative costs attributable to a participating agency's boating safety and enforcement program may either be directly identified or indirectly allocated to the program.

(1) Administrative personnel costs directly identified to a participating agency's boating safety and enforcement program shall be reimbursed based on the actual number of hours spent on administrative activities related to boating safety and enforcement activities during the month or quarter. Actual hours for each administrative staff shall be multiplied by the staff's hourly pay to determine administrative salary costs. Administrative salary costs

are multiplied by the participating agency's customary average fringe benefits percent to determine administrative personnel costs.

(2) Administrative costs that are not readily assignable to a participating agency's boating safety and enforcement program, but are necessary for the operation of the participating agency, shall be identified through the use of an Indirect Cost Rate Proposal (ICRP), a formal allocation method. It is recommended but not required that participating agencies using this indirect method obtain the following federal publication: Office of Management and Budget (OMB) Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments." This publication explains how indirect costs may be handled. This publication is available from the department.

(f) Year-to-date allowable costs shall be offset by annual actual prior year vessel taxes received by the county and year-to-date State financial aid reimbursements to determine the amount of State financial aid on a claim. If actual prior year vessel taxes received by the county have not been expended on boating safety and enforcement activities, a participating agency shall not receive State financial aid during that month or quarter.

(g) The department shall conduct a review of each claim for accuracy, completeness, and applicability to the program. The department may request additional supporting information from a participating agency for justification of expenditures prior to approving a participating agency's claim. Claims that result in reimbursement to a participating agency shall be forwarded to the State Controller's Office for payment once the department has completed the review and approved the claim for payment.

(h) Any expenditure omitted by a participating agency from a claim for State financial aid may be submitted by a participating agency for reimbursement with any succeeding claim within 60 days following the last day of the fiscal year.

(1) The issue date of a purchase order, invoice date, or day in which the hours were worked determines the fiscal year in which expenditures occur for the purposes of submitting claims. Date of payment, date received, shipping date, and date of invoice received are not factors in determining the fiscal year in which expenditure is made.

(2) If the cost of utilities overlaps fiscal years, the total cost may be claimed in either fiscal year.

(i) Claims for reimbursement for State financial aid shall be submitted within 60 days following the last day of the monthly or quarterly reporting period. The department may reduce a participating agency's total State financial aid allocation by five percent if the participating agency exceeds the sixty-day billing period and an additional five percent for every thirty-day period thereafter that the participating agency is late in filing a claim for State financial aid.

Note: Authority cited: Section 663.7(k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

Barclays Official California Code of Regulations Currentness
Title 14. Natural Resources
Division 4. Department of Boating and Waterways
Chapter 1. Department of Boating and Waterways
Article 4.5.1. Boating Safety and Enforcement Financial Aid Program

14 CCR § 6593.10

§ 6593.10. Audits and Appeals.

(a) The department shall maintain adequate controls to ensure responsibility and accountability for the expenditure of State funds. The department may conduct periodic systematic audits of a participating agency in order to determine whether an agency is in compliance with State law and the claims submitted by a participating agency accurately represent the amount due the agency under the Boating Safety and Enforcement Financial Aid Program.

(b) The department shall notify a participating agency in writing at least one week in advance of all scheduled audits.

(c) A participating agency shall make records available for review to the department or its representatives. A participating agency shall maintain records deemed necessary by the department for a minimum of five years and shall include, at a minimum, supporting documentation for any claims for reimbursement by the participating agency. Such records shall include actual hours spent on the program (including the name and classification of each employee and the specific boating safety and enforcement activity for which the hours relate), documents supporting the actual salaries used to determine personnel costs, documents supporting the participating agency's customary fringe benefits percentage, receipts for associated operations, maintenance, and equipment costs, equipment maintenance and repair reports, current equipment inventory report, documentation supporting actual vessel taxes received by the county, and other applicable documentation as requested by the Department.

(d) The audit shall include an evaluation of the accounting and control systems of the participating agency.

(e) If the department conducts an audit of a participating agency, the department shall issue an audit report to the participating agency. The audit report shall include a description of how the audit was performed and a summary of audit exceptions and management improvement recommendations. If applicable, a correction plan shall be discussed with the participating agency describing the specific actions that are recommended to be taken, or that have been taken, to correct the deficiencies identified by the department. Future State financial aid payments may be withheld from the participating agency until the deficiencies have been corrected.

(f) When an audit indicates that a participating agency has claimed and received payments from the department under this program to which it is not entitled, the participating agency shall pay, in addition to that portion of the claim that was improperly claimed, interest on the amount of overpayment from the date in which the amount was improperly claimed to the next claim. The overpayment, plus interest, may be repaid through a reduction to the next claim for State financial aid. The interest rate shall equal the monthly average rate received on investments in the State Surplus Money Investment Fund.

(g) When it is established that a participating agency fraudulently claimed and received payments under this program, the participating agency shall pay, in addition to that portion of the claim that was improperly claimed, a penalty of 300 percent of the amount improperly claimed. Payments due from a participating agency may be recovered through an offset to the next claim(s) for State financial aid.

(h) A participating agency has the right to appeal the findings of any audit to the director of the department in writing within 90 days after completion of the audit report. The participating agency shall include in the written appeal a description of the items in question and the participating agency's reason for the appeal. The appeal process shall commence with a conference between a representative of the department and the participating agency to review the items in question. If the appeal is not resolved to the participating agency's satisfaction, the participating agency may request that the matter be reviewed through a formal hearing conducted in accordance with Government Code Section 11500 et seq.

Note: Authority cited: Section 663.7 (k), Harbors and Navigation Code. Reference: Sections 650 and 663.7, Harbors and Navigation Code.

HISTORY

1. New section filed 1-28-2003; operative 1-28-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 5).

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