



**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: April 30, 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 type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

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

SUBJECT: Approve a revised Resolution for Agreement Number 29065

REQUEST(S):

That the Board of Supervisors:

1. Approve a revised Resolution for Agreement No. 29065, accepting 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. Adopt a revised Resolution, which adds request number 3 below and puts the County in compliance with requirements under the California State Parks Division of Boating and Waterways financial aid program and California Harbors and Navigation Code Section 663.7(e) (H&NC 663.7). The revised resolution will supersede Resolution No. 2019-0183; and
3. Agree that financial aid program funds received 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 will be used by the County and will be expended for boating safety programs during that year, not less than an amount equal to 100 percent of the amount received by the county from personal property taxes on vessels. The money allocated to a county pursuant to H&NC 663.7 subdivision (a) shall be used only for boating safety and enforcement programs, as specified in subdivision (a), that are conducted in that county.

SUMMARY:

The Sheriff's Office has received funding from the California State Parks Division of

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DATE: April 30, 2019

Boating and Waterways through its financial aid program to supplement County funding for the Sheriff's Boating and Safety Enforcement Unit (BSEU) since 2016. On March 19, 2019, your Board approved an agreement to participate in and accept funds from the financial aid program operated by the California State Parks Division of Boating and Waterways for Fiscal Year 2019/20 as Agreement No. 29065, Resolution No. 2019-0183.

During a review of the County's Resolution No. 2019-0183 accepting the financial aid, the California State Parks Division of Boating and Waterways determined the Resolution No. 2019-0183 needed to include an additional language from H&NC 663.7(e), which states the County will expend for boating safety programs during that year not less than an amount equal to 100 percent of the amount received by the county from personal property taxes on vessels. Total estimated Boat Tax Revenue is \$41,112, and will be included in the Sheriff's Office operating budget for Fiscal Year 19/20. With this Board Agenda Item, the Sheriff's Office is requesting to obtain a revised Resolution – containing information from the California Harbors and Navigation Code 663.7 (H&NC 663.7) – in order to be in compliance with the financial aid program guidelines. This revised Resolution includes the required language, and will supersede Resolution No. 2019-0183.

FISCAL IMPACT/FINANCING:

The request for approval of this agenda item is to add language to the previously approved Resolution No. 2019-0183 to comply with the funding source guidelines. The total operating expenses for the BSEU are estimated at \$1,151,751 for Fiscal Year 19/20. The BSEU program revenues will consist of the state subsidy of \$256,932 for Fiscal Year 19/20. The remaining total net estimated BSEU program costs will be covered by Sheriff's Office operating budget for Fiscal Year 19/20. There is no additional net County cost to the General Fund.

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

SUBJECT: Approve a revised Resolution for Agreement No. 29065
DATE: April 30, 2019

Attachment A – California Harbors and Navigation Code Section 663.7
Attachment B – Agreement No. 29065

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

IN THE MATTER OF APPROVE A)
REVISED RESOLUTION FOR) Resolution No. _____
AGREEMENT No. 29065) Agreement No. _____
)

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 a revised Resolution for Agreement No. 29065, accepting 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. Adopted a revised Resolution, which adds request number 3 below and puts the County in compliance with requirements under the California State Parks Division of Boating and Waterways financial aid program and California Harbors and Navigation Code Section 663.7(e) (H&NC 663.7). The revised resolution will supersede Resolution No. 2019-0183; and
3. Agreed that financial aid program funds received 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 will be used by the County and will be expended for boating safety programs during that year, not less than an amount equal to 100 percent of the amount received by the county from personal property taxes on vessels. The money allocated to a

county pursuant to H&NC 663.7 subdivision (a) shall be used only for boating safety and enforcement programs, as specified in subdivision (a), that are conducted in that county.



Boating Safety and Enforcement Financial Aid Program Agreement

This agreement entered into this *1ST day of July, 2019*, by and between the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, hereinafter called "Department," and the *COUNTY OF TULARE*, hereinafter called "Agency";

WITNESSETH

WHEREAS, Contingent on approval of the **Fiscal Year 2019-2020** 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 **\$256,932.00** 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. Joanna Andrade
Department of Parks and Recreation
Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814

TO AGENCY

County of Tulare
Sheriff's Office Fiscal Manager
833 South Akers Street
Visalia, CA 93277

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, 2019**, and ending **June 30, 2020**.

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.
- D. In the event of an allocation reduction for this program, an equal allotment will be decrease from every participant.

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 TULARE

Signature: 

By: Kuyler Crocker

Title: Chairman, Board of Supervisors

Date: 3/19/19

“Agency”

California Harbors and Navigation Code 663.7

(a) Each county of the state is entitled to receive state financial aid for boating safety and enforcement programs on waters under its jurisdiction as provided in this section. A boating safety and enforcement program, as used in this section, includes search and rescue operations, recovery of drowned bodies, enforcement of state and local measures for regulation of boating activities, inspection of vessels, and supervision of organized water events.

(b) A public agency within a county and the Department of Parks and Recreation are entitled to receive aid for boating safety and enforcement programs on waters under their jurisdiction through the county in which it lies, and that aid shall be counted as aid to the county; except that aid provided under subdivision (h) for boating safety and enforcement programs of the Department of Parks and Recreation for waters under its jurisdiction shall not be counted as aid to a county.

(c)(1) Of the funds appropriated for boating safety and enforcement programs pursuant to [Section 85.2](#), the department shall adopt and utilize a formula that first allocates funds to counties so that no county receives less than the amount it was allocated in the 1996-97 fiscal year, unless the county's program is reduced, or the county does not meet the eligibility requirements of this section. If the total amount of money in the Harbors and Watercraft Revolving Fund is less than the amount available for the 1996-97 fiscal year, the funds allocated to each county shall be reduced in proportion to the reduction in the overall fund relative to the 1996-97 fiscal year.

(2) Second, from funds remaining, the department shall allocate funds to eligible counties which have submitted a grant application pursuant to subdivision (i) but which do not receive an allocation pursuant to paragraph (1).

(3) The funds allocated pursuant to paragraph (1) shall not be greater in total amount than 50 percent of the funds appropriated for boating safety programs, unless the department determines that an amount greater than 50 percent is needed to meet the minimum allocation requirements set forth in paragraph (1).

(d) The amount of aid for which a county or a public agency within a county is eligible under this section shall not exceed the total cost of its boating safety and enforcement program. Notwithstanding paragraph (1) of subdivision (c), no county shall receive an amount greater than 20 percent of the total funds appropriated to all counties for boating safety and enforcement programs in any fiscal year. Notwithstanding any other provision of this section, any county that receives a boating safety and enforcement

allocation during the 1997-98 fiscal year as a result of a prior appropriation shall not receive an additional allocation for the 1997-98 fiscal year pursuant to this section.

(e) The department shall not allocate funds to any county or a public agency within a county unless the department receives a resolution adopted annually by the board of supervisors authorizing the county to participate in the program and certifying that the county will expend for boating safety programs during that year not less than an amount equal to 100 percent of the amount received by the county from personal property taxes on vessels. The money allocated to a county pursuant to subdivision (a) shall be used only for boating safety and enforcement programs, as specified in subdivision (a), that are conducted in that county.

(f) Any county that receives an allocation of funds pursuant to subdivision (c) shall submit a report to the department on or before 60 days after the end of the fiscal year that provides all of the following:

- (1) The purpose for which funds received in the immediately preceding fiscal year were spent.
- (2) The total amount expended on boating safety and enforcement programs in the immediately preceding fiscal year.
- (3) All pertinent boating safety and enforcement and accident statistics from the immediately preceding fiscal year.
- (4) All other data that may be required by the department relating to improved boating safety in California.

(g) The department shall provide in its biennial report to the Legislature a summary of boating safety activities undertaken by the counties receiving financial aid from the department in the immediately preceding two fiscal years along with a summary of the information received pursuant to subdivision (f).

(h) Aid for boating safety and enforcement programs shall be made available to the Department of Parks and Recreation for waters under its jurisdiction in accordance with a boat entry unit cost factor derived by dividing the most recent annual boat entry count into the maximum amount available and appropriated for those programs in the 1969-70 fiscal year. Budgets for those programs shall be estimated for each fiscal year and adjustments shall be made thereto for the previous year in accordance with the actual boat entry count as it becomes available multiplied by the boat entry unit cost factor. The amount thus determined shall be available to the Department of Parks and Recreation from the Harbors and Watercraft Revolving Fund.

(i) Entities or agencies desiring aid under this section shall submit grant applications to the department at least six months prior to the period for which aid is required. Grant applications shall be in the form and contain the information that the department may require.

(j) Within 60 days after the close of any period for which aid is received, the entity or agency shall submit to the department a statement of the expenditures actually incurred, in the form and containing the information that the department may require.

(k) The department shall be responsible for the administration of this section, and may adopt rules and regulations that may be necessary to carry out its provisions. The department shall make periodic evaluations of the effectiveness of programs receiving aid under this section.