



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-18

For the meeting of: March 28, 2017

Date: February 3, 2017
To: Board of Supervisors
From: Michael T. Downey, Sheriff
Subject: Acceptance of Boating Safety and Enforcement Financial Aid Program Agreement

RECOMMENDATION(S):

That the Board of Supervisors:

1. Authorize the Chair to sign four (4) copies of the Boating Safety and Enforcement Financial Aid Program Agreement with the California Department of Parks and Recreation, Division of Boating and Waterways for Fiscal Year 2017-18 (Attachment 1); and
2. Authorize the Sheriff to execute all the necessary reimbursement claims, applications, contracts, and agreements and amendments thereto, in the name of the County of Humboldt, and all other documents required by California Department of Parks and Recreation for participation in the Boating Safety and Enforcement Financial Aid Program.
3. Direct the Clerk of the Board to return signed copies of the agreement to the Sheriff's Office, Attention: Norma Lorenzo for submittal to funding agency no later than April 4, 2017.

Prepared by Norma S. Lorenzo
Norma S. Lorenzo, Deputy Director Sheriff Admin

CAO Approval [Signature]

REVIEW:

Auditor [Signature] County Counsel _____ Human Resources _____ Other _____

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Wilson
Seconded by Supervisor Fennell

Ayes Sandberg, Fennell, Wilson, Boh

Nays
Abstain
Absent BASS

And carried by those members present, the Board hereby approves the recommended action contained in this report.

Dated: March 28, 2017

By: [Signature]
Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

Vessel Tax and California Department of Parks and Recreation Division of Boating and Waterways

DISCUSSION:

The Humboldt County Sheriff's Office Boating Safety and Enforcement Program (BS&E) focuses mainly on boating safety through education. This is achieved through vessel inspections for safety equipment and current registrations. Inspections are most often done during field contacts at local marinas and boat ramps, as well as boat patrols on the waterways. In addition, the BS&E program assists in search and rescue operations, which includes responsibility for over 500 miles of freshwater river systems and over 400 square miles of saltwater along the Humboldt Bay area.

The Sheriff's Office's application for continued participation in the California Department of Parks and Recreation, Division of Boating and Waterways Financial Aid Program for boating safety has been accepted, and an award of \$121,530 was granted. The Financial Aid Program enables the Sheriff's Office to assign the appropriate level of staffing to effectively provide safety services outlined in BS&E regulations.

Therefore, based on the award, it is recommended that the Board of Supervisors approve the attached agreement; authorize the Chair of the Board to sign the 2017-2018 agreement, and delegate signatory authority to the Sheriff for all necessary applications, contracts, and agreements and amendments, and all other documents required for participation in the program.

FINANCIAL IMPACT:

The California Department of Parks and Recreation, Boating and Waterways Division awarded Humboldt County continued support in the Financial Aid Program in the amount of \$121,530 for Fiscal Year 2017-2018. These funds, combined with the County's Boat Tax of approximately \$51,382 for next fiscal year, constitute an estimated BS&E program revenue of \$172,912.

The BS&E program (Budget Unit 229) funds one full-time and one part-time Deputy Sheriffs whose primary duties will be enforcement of State and local laws and regulations for boating activities, inspection of vessels for compliance, supervision of organized on-the-water boating activities and search and rescue operations originating from on-the-water activities.

The Financial Aid Program from California Parks and Recreation will enable the Sheriff's Office to continue effective patrols of local waterways and better comply with the Board of Supervisor's Strategic Framework goal of enforcing laws and regulations to protect residents in our county.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could deny the authorization to accept the Boating and Waterways Financial Aid Program funds, however, this is not recommended as these funds cover expenses related to the County's Boating Safety and Enforcement activities. Without this funding the Sheriff's Office would be forced to curtail or terminate the program.

ATTACHMENTS:

Attachment 1 Boating Safety and Enforcement Financial Aid Program Agreement

Attachment 1

Boating Safety and Enforcement Financial Aid Program Agreement
State of California Department of Parks and Recreation
Division of Boating and Waterways Grant Program



Boating Safety and Enforcement Financial Aid Program Agreement

This agreement entered into this *1ST day of July, 2017*, by and between the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, hereinafter called "Department," and the **COUNTY OF HUMBOLDT**, hereinafter called "Agency";

WITNESSETH

WHEREAS, Contingent on approval of the **Fiscal Year 2017-2018** 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 **\$121,530.00** 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

Humboldt County Sheriff's Department
826 4th Street
Eureka, CA 95501

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, 2017**, and ending **June 30, 2018**.

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 HUMBOLDT

By: Eugene Barr

Title: Chair, Board of Supervisors

Date: 3/28/17

“Agency”