



Board Agenda Item 26

DATE: October 24, 2023

TO: Board of Supervisors

SUBMITTED BY: John Zaroni, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive FY 2023-24 Boating Safety and Enforcement Equipment Grant Application and Agreement

RECOMMENDED ACTION(S):

- 1. Retroactively authorize the Sheriff's previous submittal of grant application to the State of California Department of Parks and Recreation Division of Boating and Waterways for grant funds to purchase a river patrol boat for the Sheriff's Office's Boating Safety Unit (\$133,416);**
- 2. Approve and authorize the Chairman to execute Grant Agreement with the State of California Department of Parks and Recreation Division of Boating and Waterways for a supplemental grant, including all required certifications, effective October 24, 2023 through September 30, 2039 (\$133,416);**
- 3. Adopt Budget Resolution increasing FY 2023-24 appropriations and estimated revenues for Sheriff-Coroner-Public Administrator Org 3111 in the amount of \$133,416 (4/5 vote);**
- 4. Approve and authorize the Chairman to execute the Certificate of Adoption of Resolution authorizing the Chairman and Sheriff, or their authorized representative to sign all instruments for the recommended grant; and**
- 5. Authorize the Sheriff, or their authorized representative, to sign requests for reimbursement documents.**

There is no additional Net County Cost associated with the recommended actions. The grant application was submitted to the State of California Department of Parks and Recreation Division of Boating and Waterways ("State"), contingent on your Board's approval. The Sheriff's Office received notifications from the State on September 5, 2023 that the County was awarded a supplemental grant in the amount of \$133,416 to purchase a river patrol boat for a total of \$133,416, to be expended by September 30, 2024, and used through September 30, 2039.

This grant award is in addition to the FY 2023-24 award of \$452,764 for the Department's Boating Safety Unit, approved by your Board on May 9, 2023. The Sheriff's Office will obtain quotes for pricing with County Purchasing. However, the formal bidding process will not begin until the Sheriff's Office receives a fully executed letter and notice from the State to proceed. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. The non-approval of this item will result in the loss of the Boating and Waterways Equipment Grant awarded for FY 2023-24, and will impact the Sheriff's Boating Safety Unit's ability to conduct underwater search and rescue and recovery operations, and address the Boating Unit's needs.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The State has awarded a supplemental grant to the Sheriff's Office in the total amount of \$133,416 for funding a river patrol boat. Approval of the budget resolution will increase FY 2023-24 appropriations and estimated revenues in the Sheriff-Coroner-Public Administrator Org 3111 in the amount of \$133,416, using a supplemental grant awarded to the Sheriff's Office by the State.

DISCUSSION:

The Boating Safety and Enforcement financial aid program was established to provide aid to local governmental agencies whose waterways have high transient usage and lack a sufficient tax base to support an adequate and effective boating safety and law enforcement program.

The State of California Department of Parks and Recreation Division of Boating and Waterways provides financial aid to counties for their boating safety programs based on the needs of the area, less revenues generated from property taxes assessed on boats in the county.

On January 20, 1982, the Board approved the establishment of the Sheriff's Boating Enforcement Unit. An application for financial aid has been authorized each fiscal year thereafter. On May 9, 2023, your Board approved the FY 2023-24 Boating Enforcement Unit's agreement with the State to receive \$452,764 in grant funds.

The State has awarded a supplemental grant to the Sheriff's Office in the total amount of \$133,416 for FY 2023-24 to purchase a patrol boat in the amount of \$133,416.

The Sheriff's Office shall be prohibited from receiving State Boating Safety Equipment and Enforcement Grants for a period of three years if the miscellaneous equipment is not fully functional at time of termination of the Agreement.

In addition to the standard State and Federal certifications included in Administrative Policy No. 47, the grant also requires the certifications summarized here: (1) the Sheriff's Office will certify that zero percent of materials, goods, supplies or products used in the performance of these Agreements with the total of \$133,416 will contain recycled content; (2) the Sheriff's Office will comply with the Darfur Contracting Act of 2008, which is a State law that precludes State agencies generally from contracting with "scrutinized" companies that do business in the African nation of Sudan (of which the Darfur region is a part); (3) the Sheriff's Office will certify that it will provide a minimum number of pro bono legal services for contracts for legal services greater than \$50,000; (4) the Sheriff's Office declares that is not an expatriate corporation or subsidiary; (5) the Sheriff's Office adheres to the Sweat free Code of Conducts as set forth in the California Department of Industrial Relations and Public Contract Code section 6108 that no apparel or corresponding items have been produced by sweatshop, convict, force, indentured or child labor; and (6) the Sheriff's Office certifies that the County is in compliance with Public Contract Code section 10295.3, that the Sheriff's Office will not enter into contracts greater than \$100,000 with a contractor that discriminates against employees with domestic partners.

The performance period for the recommended agreement is effective October 24, 2023 through September 30, 2024. The recommended agreement is effective October 24, 2023 through September 30, 2039, unless terminated earlier. The Sheriff's Office must complete the bid process, obtain a purchase order, accept delivery of equipment, and submit a request for reimbursement to the State before the end of the performance period. The recommended Agreement contains indemnification language requiring the Sheriff's Office to indemnify, defend and hold the State harmless, and does not contain indemnification provisions that are in favor of the Sheriff's Office or the County.

Additionally, the Sheriff's Office must agree to waive all claims or recourse against the State, including the

right to contribution for any loss or damage arising from or in any way related to the Agreements. If the State is named as a co-defendant in a suit, the County must represent the State, unless the State chooses to represent itself. The State will be the legal owner of the miscellaneous equipment. The Sheriff's Office cannot assign, mortgage, hypothecate or transfer its interest in the miscellaneous equipment without the prior written approval of the State.

The recommended grant agreement does not contain County's insurance requirements or County's indemnification language, and the State will not alter its required language. Risk Management has reviewed the language in the agreement, and since the County is the recipient of these grant funds, Risk Management finds the language acceptable.

REFERENCE MATERIAL:

BAI #32, May 9, 2023

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Parks and Recreation Division

On file with Clerk - Budget Resolution

On file with Clerk - Certificate of Adoption of Resolution

CAO ANALYST:

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