



Board Agenda Item 28

DATE: May 17, 2022

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner-Public Administrator

SUBJECT: Boating Safety and Enforcement Financial Aid Program Annual Contract for FY 2022-23

RECOMMENDED ACTION(S):

1. **Approve and authorize Chairman to execute the Boating Safety and Enforcement Financial Aid Program Agreement with the California Department of Parks and Recreation, Division of Boating and Waterways for FY 2022-23 in the amount \$452,764;**
2. **Approve and authorize Chairman to execute Resolution authorizing the Fresno County Sheriff's or her/his designee's prior submittal of an application to and acceptance of this award from the California Department of Parks and Recreation, Division of Boating and Waterways participation in the program and certifying funds will be used for boating safety programs;**
3. **Authorize the Sheriff, or her/his authorized representative, to sign quarterly claims for reimbursement and annual activity reports; and**
4. **Authorize the County Auditor to certify the amount of prior year vessel taxes received by the County of Fresno.**

There is no change in the grant award from the current year. On November 2, 2021, your Board approved the submission of an application for the continuation of the Boating Safety and Enforcement Financial Aid Agreement with the California Department of Parks and Recreation Division of Boating and Waterways. The recommended actions will approve the recommended agreement in the amount of \$452,764. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If your Board does not approve the recommended actions, the Sheriff's Office will lose these Boating and Waterways grant funds for FY 2022-23. This will impact the Sheriff's Office Boating Safety Unit's ability to support an adequate and effective boating safety and law enforcement program.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. The grant award of \$452,764 is at the same level as the current year and will continue to fund direct costs associated with the Sheriff's Office Boating Safety Unit. This includes three full-time positions (one Sheriff's Sergeant and two Deputy Sheriffs), up to ten extra-help seasonal employees, operational costs, and equipment. The grant award of \$452,764 also includes a five percent administrative fee that the Sheriff's Office includes with the quarterly claims. Sufficient appropriations and estimated revenues in the amount of \$452,764 will be included in the Sheriff-Coroner-Public Administrator's FY 2022-23 budget request for Org 3111.

DISCUSSION:

The Fresno County Sheriff's Office Boating Safety Unit has primary responsibility for the enforcement of laws and regulations relating to the operation of watercraft with the County of Fresno. The Boating Unit investigates boating accidents on all waterways within Fresno County. The Boating Unit patrols the areas of Pine Flat Lake, Shaver Lake, Kerkhoff Reservoir, Kings River, Huntington Lake, Wishon Reservoir, Courtwright Reservoir, Edison Lake, Florence Lake, Redinger Lake, San Joaquin River, and Mendota Slough.

The Boating Unit enforces the California Harbors and Navigation Code, California Code of Regulations Title 14, Federal Code of Regulations 33 USC, and those provisions of the Fresno County Ordinance that relate to water related activities. The Boating Unit also uses and maintains a fleet of eleven vessels which vary from inflatable rescue boats, jet skis, and jet-powered river boats, to ocean capable lake patrol boats. The Boating Unit's patrol function is to promote a safe boating experience for all involved. While on patrol the Deputies conduct inspections of vessels for required equipment and registration. The Boating Unit's goal is to educate the public on water safety. The Boating Unit annually gives presentations to thousands of school-aged children, to teach them about water safety, and the importance of wearing a life jacket. The Boating Unit also gives presentations on boating laws and water safety to all age groups.

The Boating Safety and Enforcement Financial Aid Program was established to provide a supplement for the expenses of local government agencies whose waterways have a high transient boating usage and lack a sufficient tax base to support an adequate and effective boating safety and law enforcement program. On January 20, 1982, the Board approved the initial Boating Safety and Enforcement aid application, and an annual agreement has been authorized each fiscal year thereafter.

In order to receive funds, the California Department of Parks and Recreation Division of Boating and Waterways requires a resolution adopted annually by the Board of Supervisors, authorizing the County to participate in the program, authorizing the Chairman to execute the recommended agreement, authorizing the Sheriff, or his or her designee, to execute claims for reimbursement and annual activity reports of the program, authorizing the County Auditor to certify the amount of prior year vessel taxes received by the County of Fresno, and certifying that the County will expend the funds for boating safety programs during that year not less than an amount equal to 100% of the amount received by the County from personal property taxes on vessels. Additionally, the money allocated to the County can only be used for the boating safety and enforcement programs that are conducted in the County.

The recommended agreement contains Special Provisions, in Section X. The Special Provisions include a certification that the obligations created by the agreement do not violate the provisions of Sections 1090 to 1096 of the Government Code, which include conflicts of interest provisions, that the County will continue with its responsibilities under the agreement during any dispute, and that any allocation reduction for the program will result in a decrease of the County's allotment.

This Agreement deviates from the County model contract because California Department of Parks and Recreation Division of Boating and Waterways did not integrate the County's insurance requirements with regards to the Hold Harmless. This will require California Department of Parks and Recreation Division of Boating and Waterways legal team a minimum of eight weeks to review, which will delay the Sheriff's Office acceptance of the grant. Risk Management has reviewed the agreement and does not agree with excluding the insurance provision. However, the Sheriff's Office believes that the benefits of the recommended Agreement outweigh any potential risks and recommends approval of the agreement as a prudent business decision.

REFERENCE MATERIAL:

BAI #24, November 2, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Boating Safety and Enforcement Financial Aid Program Agreement

On file with Clerk - Resolution

CAO ANALYST:

Yussel Zalapa