



County of Fresno

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Fresno, California
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Legislation Text

File #: 20-1120, **Version:** 1

DATE: November 3, 2020

TO: Board of Supervisors

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

SUBJECT: Retroactive Applications for FY 2020-21 Boating Equipment Grant and Agreements

RECOMMENDED ACTION(S):

1. **Retroactively authorize the Sheriff's previous submittal of grant applications in the amount of \$105,222 for a patrol boat and \$8,062 for miscellaneous equipment to the State of California Department of Parks and Recreation Division of Boating and Waterways, for a total of \$113,284; and approve and ratify any and all of the Sheriff's or his or her designee's actions related thereto;**
2. **Approve and adopt resolution authorizing the Chairman to execute Agreements with the State of California Department of Parks and Recreation Division of Boating and Waterways for a supplemental grant to purchase one patrol boat (\$105,222) and inflatable raft/salvage equipment (\$8,062), effective upon execution by both parties, through November 2035;**
3. **Adopt Budget Resolution increasing FY 2020-21 appropriations and estimated revenues for Sheriff-Coroner-Public Administrator Org 3111 in the amount of \$113,284 (4/5 vote);**
4. **Approve and authorize the Chairman to execute the Recycled Content Certification certifying that the materials, goods, supplies, or products used in the performance of these Agreement contain zero recycled content; Contractor Certification Clause assuring the County will abide by the laws, policies and procedures governing this funding; and Darfur Contracting Act Certification certifying the County currently does not have, or has not had within the previous three years, business activities or other operations outside of the United States; and**
5. **Authorize the Sheriff, or her authorized representative, to sign requests for reimbursement documents.**

There is no additional Net County Cost associated with the recommended actions. The grant applications were 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 18, 2020 that the County was awarded a supplemental grant in the amount of \$105,222 to purchase a patrol boat and \$8,062 for inflatable raft/salvage equipment, for a total of \$113,284, to be expended by September 1, 2021.

This grant award is in addition to the FY 2020-21 award of \$452,764 for the Department's Boating Safety Unit, approved by your Board on May 12, 2020. 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 2020-21, and will impact the Sheriff's Boating Safety Unit's ability to replace one of the Department's patrol boats 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 County of Fresno in the amount of \$105,222 for a patrol boat and \$8,062 for inflatable raft/salvage equipment, for a total of \$113,284. Approval of the budget resolution will increase FY 2020-21 appropriations and estimated revenues in the Sheriff-Coroner-Public Administrator Org 3111 in the amount of \$113,284, using a supplemental grant awarded to the County of Fresno by the State.

DISCUSSION:

The Boating Safety and Enforcement financial aid program was established to provide aid to local governmental agencies whose waterways have a 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 12, 2020, your Board approved the FY 2020-21 Boating Enforcement Unit's agreement.

The State has awarded a supplemental grant to the County of Fresno in the total amount of \$113,284 for FY 2020-21 to purchase a patrol boat in the amount of \$105,222 and inflatable raft/salvage equipment in the amount of \$8,062. The patrol boat will be used in search and rescue operations, drowned victim recoveries, and vessel accident investigations. The miscellaneous equipment to be purchased includes inflatable raft and salvage equipment. The Sheriff's Office is responsible for replacing the patrol boat or miscellaneous equipment if they get destroyed or rendered useless. If the miscellaneous equipment or patrol boat is no longer needed, or if the Agreement is terminated prior to the expiration date of the term of the Agreement, the Sheriff's Office will deliver the fully functioning miscellaneous equipment or patrol boat to the State for reassignment.

The Sheriff's Office shall be prohibited from receiving State Boating Safety Equipment and Enforcement Grants for a period of three (3) years if the miscellaneous equipment or patrol boat are 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 \$113,284 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 between employees with domestic partners.

The performance period for each recommended Agreement commences on the date the Agreement is fully executed, and ends one year later, with the term commencing on the date the Agreement is fully executed, and ending in November of 2035. 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 Agreements contain indemnification language requiring the Sheriff's Office to indemnify, defend and hold the State harmless, and do not contain indemnification provisions that are in favor of the Sheriff's Office or the County.

Additionally, the Sheriff's Office agrees 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 Sheriff's Office has to represent the State, unless the State chooses to represent itself. Also, as noted in the Agreements, the State will be the legal owner, and the Sheriff's Office will be the registered owner of the patrol boat. 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 patrol boat or miscellaneous equipment without the prior written approval of the State.

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

REFERENCE MATERIAL:

BAI #21, May 12, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Budget Resolution
On file with Clerk - Resolution
On file with Clerk - Agreement with Parks and Recreation Division - Boat
On file with Clerk - Agreement with Parks and Recreation Division - Miscellaneous

CAO ANALYST:

Yussel Zalapa