



PLACER COUNTY
SHERIFF
CORONER-MARSHAL



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EST. 1851

EDWARD N. BONNER
SHERIFF-CORONER-MARSHAL

DEVON BELL
LIEUTENANT SHERIFF

To: Honorable Board of Supervisors
Date: April 7, 2009
From: Edward N. Bonner, Sheriff-Coroner-Marshal
Subject: California State Dept. of Boating and Waterways Contract

BOARD ACTION REQUESTED

Your Board is requested to approve the attached resolution and authorize the Sheriff-Coroner-Marshal to execute the agreement between Placer County and the State Department of Boating and Waterways for FY 2009/2010 in the maximum amount of \$72,475.

BACKGROUND

Annually, the Sheriff's Department submits an application to the State Department of Boating and Waterways to support our boating safety enforcement program. The total cost of the program includes State funding in the maximum amount of \$72,475 and County boat taxes estimated in the amount of \$247,953.72, for a total program cost of \$320,428.72. County boat tax estimates are provided by the Auditor-Controller based on the current years actual activity.

During the summer months, the department runs a full-time program at Lake Tahoe and part time at Folsom Lake, Rollins Lake, Camp Far West, Lake Clementine and other smaller lakes in the area. Your Board's approval of the attached resolution and authorization for the Sheriff to execute the agreement and related documents is requested and required by the State to receive these monies and participate in this program.

FISCAL IMPACT

This program is funded totally with boat taxes of \$247,953.72 and the allocation from the Department of Boating and Waterways of \$72,475 for a total program amount for FY 2009/2010 of \$320,428.72. Payments made by the State occur only after the County boat taxes have been expended. No other County monies are involved beyond the boat taxes collected.

Before the Board of Supervisors County of Placer, State of California

In the matter of:
State Department of Boating and Waterways
Contract Agreement

Resol. No:.....
Ord. No:.....
First Reading:.....

The following Resolution was duly passed by the Board of Supervisors of
the County of Placer at a regular meeting held April 7, 2009

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

WHEREAS, the Sheriff's Department (Agency) is required to execute a contract agreement with the State Department of Boating and Waterways (Department) for the Boating Safety and Enforcement Financial Aid Program in association with its Marine Patrol program; and

WHEREAS, the Sheriff's Department is responsible to perform boating safety and enforcement activities and to submit claims to the Department on a quarterly basis;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the contract agreement between Placer County and the Department for the Boating Safety and Enforcement Financial Aid Program in the maximum amount of \$72,475 and authorizes the Sheriff-Coroner-Marshal, Edward N. Bonner, to execute the contract agreement and claim reimbursement forms.

Boating Safety and Enforcement Financial Aid Program Contract

This contract, entered into this *1st day of July, 2009*, by and between the CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS, hereinafter called "Department," and the *COUNTY OF PLACER*, hereinafter called "Agency";

WITNESSETH

WHEREAS, Contingent on approval of the Fiscal Year 2009-2010 budget, the Department intends to contract 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 contract 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 contract 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, as amended and attached hereto and incorporated by reference as Attachment I. Contract 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 contract shall not exceed \$72,475.00, for the contract term in full consideration of Agency's performance of the services described in this contract.

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. Corrina Dugger
Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, CA 95815-3888

TO AGENCY

Sheriff Edward N. Bonner
Placer County Sheriffs Dept.
2929 Richardson Dr.
Auburn, CA 95603

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, 2009**, and ending **June 30, 2010**.

VII. Prior Agreements

All prior contracts regarding this subject matter between Department and Agency are hereby terminated effective June 30 prior to the term beginning date of this contract.

VIII. Amendment

No amendment or variation of the terms of this contract shall be valid unless made in writing and signed by the parties hereto.

IX. Termination

Agency may terminate this contract without cause in writing at any time. Department may terminate this contract 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 contract do not violate the provisions of Sections 1090 to 1096 of the Government Code.

B. This contract shall have no force or effect until signed by the Department, AND Agency.

C. Agency shall continue with the responsibilities of this contract during any dispute.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

CALIFORNIA DEPARTMENT OF BOATING
AND WATERWAYS

By: _____

Raynor Tsuneyoshi, Director
California Department of Boating and
Waterways

Date: _____

"Department"

COUNTY OF PLACER

By: _____

Title: Edward N. Bonner, Sheriff

Date: _____

"Agency"

