COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

May 16, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

ADOPT RESOLUTION AND EXECUTE CONTRACT TO AUTHORIZE COUNTY'S PARTICIPATION IN THE CALIFORNIA BOATING SAFETY AND ENFORCEMENT AID PROGRAM FOR FISCAL YEAR 2006-07 (ALL DISTRICTS) (3 VOTES)

JOINT RECOMMENDATION WITH THE SHERIFF'S DEPARTMENT THAT YOUR BOARD:

1. Adopt the attached Resolution [Attachment I] whereby your Board:

   - Accepts the Legislature's commitment to provide future annual baseline funding for the Los Angeles County Fire Department and give priority consideration to any application submitted by the Fire Department to secure State funding in support of boating safety and enforcement on waters within Los Angeles County.

   - Reaffirms the continued participation of the County of Los Angeles, through the Los Angeles County Fire Department and the Los Angeles County Sheriff's Department, in the California Boating Safety and Enforcement Aid Program for Fiscal Year 2006-07.

- Certifies that the County, as a participant in the California Boating Safety and Enforcement Aid Program, shall expend the equivalent of 100 percent of its revenues collected from personal property tax on vessels of its boat owners for boating safety and enforcement.

- Designates the Fire Chief, or his designee, as County agent to sign and submit an application and related expenditure reimbursement claims, to the California Department of Boating and Waterways (DBW) for State funding.

- Authorizes the Sheriff, or his designee, as County agent to sign and submit an application and to apply for any other State funding available through the Department of Boating and Waterways.

2. Authorize the Mayor of the Board of Supervisors to execute the attached "Boating Safety and Enforcement Financial Aid Program Contract" [Attachment II], which is required as part of the application package. In executing the contract, the County agrees to submit requests for reimbursement within 60 days of the end of the fiscal quarter; and, if such requests are submitted after the 60 days has expired, the State has the option to reduce the allocation by five-percent.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The DBW provides financial aid from the Harbors and Watercraft Revolving Fund to counties under the Boating Safety and Enforcement Aid Program, as authorized by Section 663.7 of the Harbors and Navigation Code. The Fire Department has been part of this Program since 1995 and has received $1.5 million annually from the DBW for these purposes.

These monies were part of an agreement with the State to provide funding to the County as part of the transfer of ownership of eight State beaches located within Los Angeles County. A key part of this agreement was the State's commitment to provide long-term funding assistance for the Fire Department as detailed in Attachment III.

The financial aid application has been completed and submitted to the DBW on December 9, 2005. Agencies already participating in the Program are required to submit the completed application six months prior to the start of the new fiscal year to provide the DBW sufficient time to prepare the annual contract for each agency. The DBW is requesting that the attached contract for Fiscal Year 2006-07 be executed and submitted by no later than June 15, 2006.

In addition, the Harbors and Navigation Code and application criteria require that the Board, by resolution, authorize the County's participation in the program and certify that the County will expend not less than 100 percent of the amount collected from personal property taxes on vessels for boating safety programs during the funding year. The certification is required because counties qualify only if they expend an amount equivalent to at least 100 percent of these personal property taxes on boating safety and enforcement.

The designation of the Fire Chief, or his designee, as the signatory to the multi-department application is consistent with your Board's instructions of December 8, 1994, to pursue long-term funding from the State. This State funding will offset portions of the offshore marine rescue and enforcement activities not presently met by the personal property tax on vessels. This allows previously budgeted funds for these purposes to support the operation of the eight State beaches.

Implementation of Strategic Plan Goals

Approval of the recommended actions is consistent with the County's Strategic Goal #4 for Fiscal Responsibility and Goal #8 for Public Safety.

FISCAL IMPACT/FINANCING

No match is required. Counties must first expend the taxes collected from its resident boat owners before being entitled to any supplemental State funding from this Program. Only the cost of boating safety and enforcement program needs which exceed the total fees and vessel taxes collected for the year will be supplemented, up to the maximum amount obligated by the State.

The State's maximum funding for Fiscal Year 2006-07 is $1.5 million, consistent with the annual baseline allocation since 1995. However, this baseline allocation will be $2.12 million upon approval of the Governor's 2006-07 Budget. If the increase is deleted from the Governor's Budget, the funding will remain at the current allocation of $1.5 million.

The County's 2006-07 application includes a request for $3.8 million, net of fees and taxes, to maintain the County's boating safety and enforcement activities described in Attachment IV. This request more than meets the State's funding requirement.

CONCLUSION

Participation in the California Department of Boating and Waterways Boating Safety and Enforcement Aid Program will continue existing funding to the Fire Department Lifeguard rescue services for Fiscal Year 2006-07 and may possibly provide additional financial

aid to the County's other boating safety and law enforcement efforts. The Board's adoption of the resolution and execution of the financial assistance certification authorizes participation in the State's Boating Safety and Enforcement Aid Program.

Respectfully submitted,

P. MICHAEL FREEMAN
FIRE CHIEF

LEROY D. BACA
SHERIFF

PMF:gc

Attachments

c: Chief Administrative Office
County Counsel
Auditor-Controller
Sheriff's Department

Attachment I

RESOLUTION

WHEREAS, Assembly Bill 909 (Bowen), Chapter 472, Statutes of 1995, amended Public Resources Code Section 5002.6, Subdivision (g) to read: "On and after June 30, 1998, it is the intent of the Legislature that any application by the County of Los Angeles Fire Department to secure State funding support for boating safety and enforcement on waters within the County of Los Angeles shall be given priority consideration by the Legislature, unless an alternative source of funding is secured prior to that date which serves the same or similar purposes."

WHEREAS, the Consolidated Fire Protection District of Los Angeles County (also known as the Los Angeles County Fire Department), has received for boating safety and enforcement prior allocations from the Department of Boating and Waterways, in Fiscal Years 1995-96 through 2005-06, which has established an annual baseline funding for future participation in the program in accordance with Subdivision (g) of Section 5002.6 of the Public Resource Code and as addressed by Assembly Bill 122 (Rainey), Chapter 971, Statutes of 1996, Section 2 under the Harbors and Navigation Code Sections 85.2 and 663.7(a) and (c)(1).

WHEREAS, other funding may be available to counties through the California Boating Safety and Enforcement Aid Program; and

WHEREAS, the California Department of Boating and Waterways, pursuant to Section 663.7 of the Harbors and Navigation Code, provides supplemental State funding under the State Boating Safety and Enforcement Aid Program to qualifying counties for boating safety and enforcement programs on waters under their jurisdiction; and

WHEREAS, the County of Los Angeles is charged with providing vital boating safety and enforcement services to a population in excess of nine million people and over one hundred thousand registered boaters; and

WHEREAS, the County of Los Angeles has demonstrated its boating safety and enforcement programs meet the eligibility requirements set forth in Section 663.7 of the Harbors and Navigation Code by expending the equivalent of 100 percent of personal property tax collected by the County on vessels for boating safety and enforcement, and by maintaining current levels of those boating safety and enforcement services; and

WHEREAS, allocation of said funding to any county or a public agency therein is contingent upon the County's governing body, the Board of Supervisors, adopting a resolution authorizing participation in the Boating Safety and Enforcement Aid Program and certifying that, during the funding year, an amount at least equal to the total amount collected by the County from personal property taxes on vessels will be expended on specified boating safety programs; and

WHEREAS, the Board of Supervisors of the County of Los Angeles through the Los Angeles County Fire Department, and the Los Angeles County Sheriff's Department, wishes to participate in the State Boating Safety and Enforcement Aid Program administered by the California Department of Boating and Waterways.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that the County of Los Angeles through the Los Angeles County Fire Department, and the Los Angeles County Sheriff's Department is hereby authorized to participate in the State Boating Safety and Enforcement Aid Program for Fiscal Year 2006-07.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Los Angeles hereby certifies that during Fiscal Year 2006-07, the funding year, an amount equal to one hundred percent (100%) of the amount received by the County in personal property taxes levied on vessels of boat owners within the County during Fiscal Year 2005-06, the most recent fiscal year for which the annual total figure is available, will be expended on specified boating safety programs.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Los Angeles hereby authorizes the Fire Chief of Los Angeles County, P. Michael Freeman, or his designee, as County agent, to sign and submit this application and related expenditure reimbursement claims and be the County agent for future applications under the State Boating Safety and Enforcement Aid Program subject to funding application filed pursuant to Harbors and Navigation Code Section 663.7 subdivision (c)(1).

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Los Angeles hereby authorizes the Sheriff of Los Angeles County, Leroy D. Baca, or his designee, as County agent, to sign and submit this application and be the County agent for any other funding available through the Department of Boating and Waterways.

The foregoing resolution was on the _____ day of _____, 2006, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessments and taxing districts, agencies and authorities for which said Board so acts.

SACHI A. HAMAI,
Executive Officer
Clerk of the Board of Supervisors of the
County of Los Angeles

By_____
Deputy

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By_____
Deputy

Attachment II

Boating Safety and Enforcement Financial Aid Program Contract

This contract, entered into this _____ day of _____, 20__, by and between the CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS, hereinafter called "Department," and the ***COUNTY OF LOS ANGELES,*** hereinafter called "Agency";

WITNESSETH

WHEREAS, Contingent on approval of the **Fiscal Year 2006-2007** 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 $1,500,000.00, for the contract term in full consideration of Agency's performance of the services described in this contract.

***Subject to approval of the Governor's 2006/2007 budget, your revised baseline allocation will be $2,120,000.00. If the increase is deleted from the budget your baseline will remain as stated in Section III. A, Maximum Amount, above.**

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** _x_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	TO AGENCY
Ms. Corrina Dugger	Theresa R. Barrera
Department of Boating And Waterways	Fire Department
2000 Evergreen Street, Suite 100	5801 S. Eastern Ave. Ste.130
Sacramento, CA 95815-3888	Commerce, CA 90040

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 contract shall be for the term beginning July 1, 2006, and ending June 30, 2007.

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: _____
Director
California Department of Boating and Waterways
Date: _____
"Department"

COUNTY OF LOS ANGELES
By: _____
Mayor
Date: _____
"Agency"

ATTEST:

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors
By _____
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel
By _____
Deputy

Attachment III

STATE'S COMMITMENT TO PROVIDE LONG-TERM FUNDING ASSISTANCE FOR THE LOS ANGELES COUNTY FIRE DEPARTMENT

Public Resources Code, SECTION 1, Section 5002.6 (g), states:

> "On and after June 30, 1998, it is the intent of the Legislature that any application by the County of Los Angeles Fire Department to secure State funding support for boating safety and enforcement on waters within the County of Los Angeles shall be given priority consideration by the Legislature, unless an alternative source of funding is secured prior to that date which serves the same or similar purposes."

The 1996 State Legislature addressed the intent of Section 5002.6 (g) to assist the Fire Department through Assembly Bill 122 (Rainey), Chapter 971, Statutes of 1996, which amended Section 663.7 of the Harbors and Navigation Code to establish a permanent funding allocation for current program recipients based upon their Fiscal Year 1996-97 allocation. The Fire Department's Lifeguard Rescue Safety Program is a current recipient and qualifies for this continued $1.5 million funding by meeting all the criteria established by the Legislature and administered by DBW as stated in the amended Harbors and Navigation Code Sections 85.2 and 663.7, Subdivision (a) and (c)(1), as follows:

> **Section 85.2** - "All money in the Harbors and Watercraft Revolving Fund shall be available, upon appropriation by the Legislature, for expenditure by the department for boating facilities development, boating safety, and boating regulation programs . . ."
>
> **Section 663.7 – Subdivision (a)** – "Each county of the state is entitled to receive state financial aid for boating safety and enforcement programs on waters under its jurisdiction as provided in this section. A boating safety and enforcement program, as used in this section, includes search and rescue operations, recovery of drowned bodies, enforcement of state and local measures for regulation of boating activities, inspection of vessels, and supervision of organized water events."
>
> **Section 663.7 Subdivision (c)(1)** – "Of the funds appropriated for boating safety and enforcement programs pursuant to Section 85.2, the department shall adopt and utilize a formula that first allocates funds to counties so that no county receives less than the amount it was allocated in the 1996-97 fiscal year, unless the county's program is reduced, or the county does not meet the eligibility requirements of this section. . . ."

Attachment IV

LOS ANGELES COUNTY'S BOATING SAFETY AND ENFORCEMENT PROGRAM

FIRE DEPARTMENT

The Consolidated Fire Protection District of Los Angeles County (Fire Department), Lifeguard Division, performs the principal ocean search and rescue operations for Los Angeles County. The areas of responsibility cover 1,477 square miles of Los Angeles coastal area, including 72 miles of public beaches and open ocean waters, extending to and including the waters of Santa Catalina and San Clemente Islands.

The Fire Department maintains year-round, 24-hour marine rescue boat services at Avalon and the Isthmus on Catalina Island and at Marina del Rey. In addition, there are three 24-hour operation centers (Malibu, Santa Monica, and Hermosa Beach) which monitor marine emergency frequencies and dispatch on-call search and rescue vessels from Los Angeles Harbor, Redondo Beach King Harbor, and Malibu Pier. During peak boating season, there are seven offshore rescue boats patrolling the Los Angeles coastline.

The Fire Department's primary resources for marine search and rescue include ten (10) offshore all-weather rescue vessels; two (2) trailerable vessels for inland response; one (1) 40' dedicated fire boat; one (1) 35-foot dedicated fire boat; six (6) rigid-hull, inflatable rescue boats; and eight (8) personal watercraft (PWC's) patrol vessels. These vessels are under the command of Coast Guard licensed operators and are supplied with the necessary fire suppression equipment, emergency pumping capacity, towing gear, emergency medical equipment, helicopter lift and hoist capability, and emergency underwater rescue gear to handle almost any marine rescue situation.

Additional support resources for marine incidents include: helicopter air rescue operations, paramedic care for all boating-related dive accidents at the Catalina Hyperbaric Chamber, and a 27-person dive team.

Mandatory requirements for Fire Department rescue boat personnel include full Coast Guard Operators licenses with towing and radar endorsements, Penal Code 832 "Powers of Arrest", EMT-Defibrillator certification, Marine Firefighting certification, Deckhand training certification, and SCUBA certification.

Supervision of water activities by lifeguard rescue vessels and personnel included interagency training: LAX Airport Disaster Drills, Coast Guard Search and Rescue Coordination, Oil Spill Contingency, Major Marine Disaster Plans; and supervision of various rough water swims and paddles, beach festivals, fishing derbies, boat shows, and parades.

SHERIFF'S DEPARTMENT

The Sheriff's Department currently serves a number of waterways within the County and has extensive experience in boating safety and enforcement services. The Department's four organizational units are:

Avalon Station: Avalon Station is the smallest station within the Sheriff's Department. However, its geographic area is the largest served of any of the Department's stations. Avalon's area includes 76 square miles of Santa Catalina Island, 57 square miles of San Clemente Island, and approximately 913 square miles of the Pacific Ocean. Hundreds to thousands of people may be present at any one time upon the ocean waters in various watercraft including daily travelers using the commercial ferries that link Catalina Island with the mainland from ports in Long Beach, San Pedro, Orange, and San Diego counties. Also using these waterways daily are dozens of commercial freighters from all ports of the world that have destinations in California and Mexican ports.

Deputies assigned to Avalon Station and its Catalina Island Search and Rescue Team, the Department's Emergency Services Detail and the Department's Aero Bureau conduct search-and-rescue operations, transport prisoners to the mainland, and serve search warrants for a wide variety of investigations including thefts from vessels and narcotics possessions. Avalon Station conducts hundreds of hours of training ranging from search and rescue to drug recognition. Avalon Station deputies trained with the United States Coast Guard in suspect vessel approach and boarding procedures. The majority of deputies assigned to Avalon Station have received training recognized by Peace Officers Standards and Training and the United States Coast Guards in handling small boat operations.

Emergency Services Detail: The Emergency Services Detail is designated to conduct search, rescue, and recovery operations in the County. This unit provides support for Marina del Rey, Pyramid Lake, and Catalina Island in boating safety and enforcement.

The Emergency Services Detail has the responsibility for conducting all underwater search and recovery operations. Each year, this unit conducts multi-day recovery operations for individuals who have drowned or otherwise perished as a direct result of boating accidents. Additionally, this unit provides boat patrol for Pyramid Lake and Catalina Island on holidays and busy weekends.

Marina del Rey (Harbor Patrol): The Los Angeles County Harbor Patrol was formed in 1962 as a Division of the Department of Small Craft Harbors. The Harbor Patrol provides safety and enforcement services to the boating community in the protected waters of Marina del Rey Small Craft Harbor and adjacent beaches. Marina del Rey is a year-round recreational area consisting of 403 acres of water and 401 acres of land.

Within its confines are 16 restaurants, 12 yacht clubs, 4 hotels, 2 major boat yards, and numerous apartment/condominium complexes housing 12,000 permanent residents. The Sheriff's Harbor Patrol within Marina del Rey is responsible for conducting marine safety and enforcement patrol in the protected waters of the marina and the waters of Santa Monica Bay. Additionally, while maintaining emergency response capabilities beyond the bay's area, the Harbor Patrol also serves as the County Disaster Coordination Center for aircraft emergencies occurring over waters adjacent to Los Angeles International Airport (LAX).

Pyramid Lake Recreational Area: The Pyramid Lake Recreational Area, which includes Emigrant Landing, Los Alamos Campground and Vista del Lago Center, attracts up to 500,000 persons yearly. Pyramid Lake was opened in 1974 and has 1,297 surface acres and 21 miles of shoreline. Pyramid Lake is located in the Angeles National Forest, an unincorporated area patrolled by the Sheriff's Department. Deputies perform all aspects of boating safety and law enforcement. They enforce all boating laws using verbal warnings, issuance of citations, or arrest. They educate the public through courtesy vessel inspections and boating safety videotapes. They are the first responders to all emergencies on Pyramid Lake and its associated shoreline. Boat handler deputies are Emergency Medical Technicians and handle all medical aid incidents on this facility. Deputies prepare required reports, investigate all boating accidents, and file criminal complaints when warranted. The deputies have rescue dive capabilities, aid disabled vessels, handle salvage operations, and perform all general law enforcement in the recreational area.