



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



September 12, 2023

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

94 September 12, 2023

  
CELIA ZAVALA  
EXECUTIVE OFFICER

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

Dear Supervisors:

**ADOPT RESOLUTION TO AUTHORIZE PARTICIPATION AND ACCEPTANCE  
IN THE CALIFORNIA BOATING SAFETY AND ENFORCEMENT  
FINANCIAL AID PROGRAM FOR FISCAL YEAR 2023-24  
(ALL DISTRICTS) (3 VOTES)**

**SUBJECT**

Adopt a resolution to secure State of California (State) funding through the California Department of Parks and Recreation, Division of Boating and Waterways (DBW), in support of boating safety and enforcement on waters within Los Angeles County (County).

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the attached Resolution whereby the Board:
  - Accepts the Legislature's commitment to provide future baseline funding for the County and gives priority consideration to any application submitted by the County to secure State funding, in support of boating safety and enforcement on waters within the County.
  - Reaffirms the continued participation of the County, through the Los Angeles County Sheriff's Department (Department), in the California Boating Safety and Enforcement Financial Aid Program (Program) for Fiscal Year (FY) 2023-24.

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- Certifies that the County, as a participant in the Program, shall expend the equivalent of 100 percent of its revenues collected from personal property tax on vessels of boat owners within the County for boating safety and enforcement.
  - Authorizes the Sheriff, or his designee(s), as County agents, to sign and submit an application and related expenditure reimbursement claims to DBW for State funding.
  - Authorizes the State funding received through the Program to be distributed to the Department.
  - Authorizes the Los Angeles County Auditor-Controller to certify the amount of prior year vessel taxes received by the County.
2. Find that the resolution and the funding of the County programs are exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) of the CEQA Guidelines.
  3. Delegate authority to the Sheriff, or his designee, as an agent for the County, to sign the attached Program Agreement (Agreement), effective July 1, 2023, through June 30, 2024, accepting grant funds in the amount of \$2,120,000, if awarded by DBW for FY 2023-24.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The DBW provides financial aid from the Harbors and Watercraft Revolving Fund to counties under the Program, as authorized by Section 663.7 of the Harbors and Navigation Code. The County has been part of this Program since 1995. Since FY 2006-07, the region has received up to \$2.12 million annually, except for FY 2022-23. In previous years, the Department has been the subrecipient of these funds through distribution provided by the Los Angeles County Fire Department, but the Department has decided to apply for these funds as a stand-alone application. The County of Los Angeles Board of Supervisors, by Board action via the Board-approved Final Adopted Budget for FY 2021-22 (as approved on October 5, 2021) and the apparent Board-approved amended program resolution, has decided to distribute these DBW funds solely to the Department.

These monies are 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 the County. A key part of this agreement was the State's commitment to providing long-term funding assistance to the region.

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 no 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 Sheriff, or his designee(s), as signatories to the Department application, is consistent with the Board's instructions of December 8, 1994, to pursue long-term funding from the State.

#### **Implementation of Strategic Plan Goals**

Approval of the recommended actions is consistent with the County's Strategic Plan, Goal III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability to continually assess our efficiency and effectiveness, maximize and leverage resources, and hold ourselves accountable to maximize revenue.

#### **FISCAL IMPACT/FINANCING**

The State's maximum funding of \$2,120,000 will be utilized to help offset existing operational expenses. No matching funds are required. There is no impact to Net County Costs, as the appropriation is already included in the Department's budget.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The DBW allows the County to receive funding so long as the County conducts boating safety and enforcement activities. The DBW requires one adopted resolution by the Board, per FY, to designate one or more agencies to participate in the Program. The DBW is requesting that the attached resolution and agreement for FY 2023-24 be executed and submitted.

The attached resolution and Agreement have been approved, as to form by County Counsel.

#### **ENVIRONMENTAL DOCUMENTATION**

This Resolution and the funding of the County programs are exempt from the CEQA, pursuant to CEQA Guidelines, Section 15061(b)(3).



The Honorable Board of Supervisors  
September 12, 2023  
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**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The services shall continue upon execution of this Agreement.

**CONCLUSION**

Continued participation in the Program will prevent disruption to the Department's boating safety and law enforcement efforts. The Board's adoption of the Resolution authorizes participation in the Program.

Upon approval by the Board, please instruct the County's Executive Officer to return four copies of the adopted Board letter and attachments to the Department's Grants Unit.

Sincerely,



ROBERT G. LUNA  
SHERIFF

**RESOLUTION**

WHEREAS, the California Department of Parks and Recreation, Division 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 Financial 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 (9) million people and over 60,000 registered boaters; and

WHEREAS, the County of Los Angeles, has received prior boating safety and enforcement allocations from the California Department of Parks and Recreation, Division of Boating and Waterways, in Fiscal Years (FYs) 1995-1996 through 2021-2022, 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, the current levels of those boating safety and enforcement services will continue through the Los Angeles County Sheriff's Department; 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 California Boating Safety and Enforcement Financial 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 and the Los Angeles County Sheriff's Department wish to participate in the California Boating Safety and Enforcement Financial Aid Program administered by the California Department of Parks and Recreation, Division of Boating and Waterways, and will distribute the funds from the Boating Safety and Enforcement Financial Aid Program solely to the Los Angeles County Sheriff's Department.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that the County of Los Angeles and the Los Angeles County Sheriff's Department is hereby authorized to participate in and apply for the California Boating Safety and Enforcement Financial Aid Program for FY 2023-2024.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Los Angeles hereby certifies that during FY 2023-2024, the funding year, an amount equal to 100 percent of the amount received by the County in personal property taxes levied on vessels of boat owners within the County during FY 2022-

2023, 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 Los Angeles County Auditor-Controller to certify the FY 2022-23 vessel taxes received by the county.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Los Angeles hereby authorizes the Sheriff of the Los Angeles County Sheriff's Department, Robert G. Luna, or his designee, as the County agent, to sign and submit this application and related expenditure reimbursement claims and be the County agent for future applications under the California Boating Safety and Enforcement Financial 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 the Los Angeles County Sheriff's Department, Robert G. Luna, or his designee, as the County agent, to sign the grant award agreement, if awarded.

The foregoing resolution was adopted on the 12th day of September, 2023, by the Board of Supervisors of the County of Los Angeles and the ex officio governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board also acts.

CELIA ZAVALA, Executive Officer  
Clerk of the Board of Supervisors of  
the County of Los Angeles



By *L. Zomete*  
Deputy

APPROVED AS TO FORM  
DAWYN R. HARRISON  
County Counsel

By *Michelle Jackson*  
Principal Deputy County Counsel





## **Boating Safety and Enforcement Financial Aid Program Agreement**

This agreement entered into this *1<sup>ST</sup> day of July, 2023*, by and between the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, hereinafter called "Department," and the **COUNTY OF LOS ANGELES**, hereinafter called "Agency";

### **WITNESSETH**

**WHEREAS**, Contingent on approval of **Governor's Fiscal Year 2023-24 Budget Act**, the Department intends to agree 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 agreement 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 agreement 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. Agreement 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 agreement shall not exceed **\$2,120,000.00** for the agreement term in full consideration of Agency's performance of the services described in this agreement.
- 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 Division 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. Joanna Andrade  
Department of Parks and Recreation  
Division of Boating and Waterways  
715 P Street, 12<sup>th</sup> floor  
Sacramento, CA 95814*

***TO AGENCY***

*Robert G. Luna, Sheriff  
Los Angeles County Sheriff  
211 W Temple Street  
Los Angeles, CA 90012*

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, 2023**, and ending **June 30, 2024**.

**VII. Prior Agreements**

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

**VIII. Amendment**

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

**IX. Termination**

Agency may terminate this agreement without cause in writing at any time. Department may terminate this agreement 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 agreement do not violate the provisions of Sections 1090 to 1096 of the Government Code.
- B. This agreement shall have no force or effect until signed by the Department, Agency, and approved by the Department of General Services Legal Department, if required.
- C. Agency shall continue with the responsibilities of this agreement during any dispute.
- D. In the event of an allocation reduction for this program, an equal allotment will be decrease from every participant.
- E. Failure by the Agency to comply with the terms of this agreement may jeopardize the Agency's ability to be awarded funding in future funding opportunities offered by the Department of Parks and Recreation.

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

CALIFORNIA DEPARTMENT OF PARKS AND  
RECREATION, DIVISION OF BOATING AND  
WATERWAYS

By: \_\_\_\_\_

*California Department of Parks and Recreation,  
Division of Boating and Waterways*

Date: \_\_\_\_\_

“Department”

COUNTY OF LOS ANGELES

Robert G. Luna: \_\_\_\_\_

Title: \_\_\_\_\_ Sheriff \_\_\_\_\_

Date: \_\_\_\_\_

“Agency”