AGREEMENT BETWEEN
IDAHO DEPARTMENT OF PARKS AND RECREATION
AND
BONNEVILLE COUNTY

The Idaho Department of Parks and Recreation (DEPARTMENT), in its administration of Idaho's available Recreation Boating Safety Grant monies, agrees to provide assistance to Bonneville County (APPLICANT), to help accomplish the State of Idaho Recreational Boating Safety Program goals and enforce the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code, as revised):

A. **Purpose of Assistance.** The purpose of this assistance is to encourage greater participation and uniformity in boating safety, particularly to permit the APPLICANT to assume the greater share of boating safety education, assistance, enforcement activities, and to assist the APPLICANT in developing, carrying out, and financing a County Recreational Boating Safety Program. This assistance is purely to be used as an enhancement to this program and will not be used to replace local/state funding.

B. **Program.** The APPLICANT agrees to undertake and complete the recreational boating safety actions proposed in this Agreement in accordance with the assurances section and applicable laws and regulations, which are not limited to, but include, the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code, as revised), all applicable regulations of the United States Coast Guard, including but not limited to 33 C.F.R. part 100, and the terms and conditions of the Federal/State Recreational Boating Safety Cooperative Agreement, a copy of which is attached to this Agreement.

C. **Allocation.** To assist the APPLICANT in financing its recreational boating safety program, the DEPARTMENT agrees to allocate to the APPLICANT a Boat Safety Grant not to exceed $28,935. This Agreement will be in full force and in effect during Federal Fiscal Year 2016 (October 1, 2015 – September 30, 2016), except for those requirements specified in IDAPA 26 Title 01 Chapter 31, that apply for the life of the project. The DEPARTMENT reserves the right to reduce this grant allocation if funding from the U.S. Coast Guard is not authorized for the entire fiscal year.

Allocated funds will not be sent to the APPLICANT until the APPLICANT requests them to be sent, but the funds must be received and expended by the APPLICANT no later than September 30 of each year. If such funds are not expended and received by the APPLICANT within this period, then the grant will be revoked by the DEPARTMENT and the APPLICANT will relinquish all rights to any funds received but not expended.

Except as herein provided, allocated funds will be sent to the APPLICANT only on a reimbursable basis. An advance disbursement of funds may be made prior to the actual expenditure of the funds only if substantiating evidence is provided in writing to the DEPARTMENT showing that such need exists and if approved by the DEPARTMENT.
5. Single units of equipment, with a current fair market value of one thousand ($1,000) or more, as determined by the DEPARTMENT, which are purchased only partially (less than 100%) with Boat Safety Grant monies shall become the property of the APPLICANT. However, should the APPLICANT decide to convert such equipment, the conversion shall comply with the provisions of IDAPA 26, Title 1, Chapter 31, Section 350, and the DEPARTMENT and the U.S. Coast Guard, where applicable, shall retain a contingent interest or partial ownership in such equipment as determined by the DEPARTMENT and the U.S. Coast Guard pursuant to applicable federal laws and regulations.

6. Single units of equipment, with the current fair market value of less than one thousand dollars ($1,000), as determined by the DEPARTMENT, which are purchased either partially or wholly with Boat Safety Grant monies shall become the property of the APPLICANT.

7. The APPLICANT assures that facilities and equipment purchased with these grant funds shall be maintained and operated in the condition equivalent to that existing when the item was funded by these grant funds, normal wear and tear excepted. Maintenance standards shall be adopted by the APPLICANT during the application phase of the grant and are a term of this Agreement.

8. The APPLICANT assures that all costs incurred on a project will have prior approval from the DEPARTMENT and will be accountable before and after payment is made. The APPLICANT will give the DEPARTMENT or its authorized representative the access to and the right to examine all records, books, papers, or documents related to these grant funds should the DEPARTMENT consider it necessary.

9. The APPLICANT has a recreational boating safety program which includes:

a) For those counties with regularly boated or boating accident prone waters, either power boated, sailed, or floated (including rivers), there should exist sufficient patrol and other enforcement/education activity to ensure adequate compliance with applicable state boating laws, rules, and regulations.

b) For all APPLICANTS:

i) All reportable boat accidents as defined by Sec. 67-7027 Idaho Code that are reported to the APPLICANT shall be properly investigated and recorded. A copy of the report shall be submitted in writing to the DEPARTMENT, or entered into the Coast Guard Boat Accident Report Database (BARD), as required under Sec. 67-7027 (3)(b), Idaho Code. The report shall be sent to the DEPARTMENT or entered into BARD within 30 days of the date of the accident. If there are extenuating circumstances (i.e. the investigation is still under investigation) then all readily available information shall be completed on the report or entered into BARD with a full explanation regarding the ongoing investigation. Upon conclusion of the investigation the accident report shall be updated and immediately sent to the DEPARTMENT or entered into BARD. If the operator in the reported boat accident is killed then a blood sample shall be taken as required by Sec. 67-7036, Idaho Code.
ii) Procedures for authorizing, recording, and reporting all boating regattas, races, tournaments, and exhibitions as required in Sec. 67-7030, Idaho Code, and ensuring that a copy of each submitted marine event permit application is immediately filed with the DEPARTMENT.

iii) The development and implementation of a Recreational Boating Safety Education Program which meets or exceeds the following requirements:

a. That instruction in boating safety be made available to current and potential boaters within the county (i.e., school students, public lectures/courses, shows and special events, etc).

b. That the most current boating safety education literature printed by the DEPARTMENT will be made available to the public at key contact points and be distributed to the public upon request.

c. That the county sheriff’s department instruct at least one “Boat Idaho” public boating safety courses during the federal fiscal year. Each county shall have at least one DEPARTMENT trained boating safety instructor.

d. The county sheriff’s department will also provide public awareness through at least one other means such as a media contact promoting boating safety, on-the-water events, boat safety inspection day and displays at safety fairs, boat shows, scout events, hunter’s safety education, or other boat safety related event, during the federal fiscal year.

iv) Procedures and preparedness to conduct water-based search and rescue including proper training, equipment, and Standard Operation Procedures to guide the efforts.

v) Procedures for recording and reporting certain APPLICANT boating-related expenditures are as follows:

a. An annual financial report of the county’s Federal Fiscal Year boating-related expenditures will be submitted to the DEPARTMENT no later than December 31 of each year. It will divide the county’s boating related expenditures into the groups of:

- County Boating Safety expenditures (only those monies acquired from the sale of state boat registrations (Sec. 67-7008, Idaho Code);
- Boat Safety Grant expenditures; and
- State Waterways Improvement Fund expenditures.

vi) Implement a Personal Floatation Device (PFD) wear policy that requires all marine deputies to wear a PFD at all time while on duty during on-the-water operations. A copy of this policy will be provided to the DEPARTMENT upon request.
Upon completion of the expenditure of the grant funds as herein specified, and upon request from the DEPARTMENT, the APPLICANT shall submit copies of all vouchers, cancelled checks, invoices, and other required billing forms and documents that demonstrate the satisfactory expenditure of the grant monies. If it is discovered that the actual costs were less than the grant amount, then the difference must be immediately returned by the APPLICANT.

D. Assurances. The APPLICANT hereby certifies that it will comply with the regulations (including IDAPA 26, Title 1, Chapter 31), policies, guidelines, and requirements that relate to this Agreement, and the use of these funds, for this federal/state-assisted project. Also, the APPLICANT certifies to the DEPARTMENT that:

1. Sufficient matching amounts are available and will be expended for boating safety purposes from county funds generated by the sale of state boat registrations (Sec. 67-7008, Idaho Code) or State Waterways Improvement Funds (Sec. 57-1501, Idaho Code).

   a) Federal funds received will be used to develop and administer a county recreational boating safety program.

   b) Only county funds generated by the sale of state boat licenses or Waterways Improvement Funds (boating safety projects) will constitute an APPLICANT's matching share. The APPLICANT will not use other federal funds to calculate or provide its matching share except as herein provided.

   c) The APPLICANT's matching share will be at least one-half of the total county grant allocation unless specific approval for a lesser APPLICANT matching share has been given by the DEPARTMENT.

2. The APPLICANT shall use this financial assistance purely as an enhancement to its Boating Safety Program, and will not use these grant funds to replace the APPLICANT's funds (referred to in D.1. above) typically expended by the county in recent years.

3. Single units of equipment, with a current fair market value of one thousand dollars ($1,000) or more, as determined by the DEPARTMENT, or any facilities, are purchased by the APPLICANT using these grant funds, may not be converted for other uses unless authorized under IDAPA 26, Title 01, Chapter 31, Section 350.

4. Single units of equipment, with a current fair market value of one thousand dollars ($1,000) or more, as determined by the DEPARTMENT, which are purchased wholly with Boat Safety Grant monies shall remain the property of the DEPARTMENT to be used by the APPLICANT for appropriate purposes. If the equipment is being underutilized, misused, or used for purposes other than the original grant purposes, it may be reclaimed by the DEPARTMENT upon thirty (30) days written notice. Determination will be made on reclaiming the equipment by the DEPARTMENT.

   a) The APPLICANT shall bear the full responsibility for damage or destruction to project facilities and equipment through their own means or applicable insurance.
10. The APPLICANT will enter all law enforcement activities performed during the federal fiscal year into the Marine Law Enforcement Database created and maintained by the Idaho Department of Parks and Recreation. Data must be entered on at least a monthly basis. All data for the federal fiscal year must be entered no later than October 31 of each year to be eligible for boat safety grant funds in the following grant cycle.

11. The APPLICANT will comply with all applicable local and state laws, including, but not limited to, purchase and bidding requirements, and project construction or development permit requirements.

12. The APPLICANT will comply with all applicable federal laws, including, but not limited to, Title VI of the Civil Rights Act of 1964, Title II and Title IV of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, the Hatch Act, and the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act.

13. To the extent allowable by law, the APPLICANT assumes all project liability and agrees to defend, indemnify and hold harmless the DEPARTMENT, except for the conduct of the DEPARTMENT or any of its employees in the performance of any projects under the terms of this Agreement. Where the DEPARTMENT's sole involvement in a project is the granting of funds, such is not considered "performance" and is not sufficient to incur liability on the part of the DEPARTMENT.

14. 

   a) The APPLICANT shall be obligated to complete all elements of a project as described on the approved grant application and this Agreement Form.

   b) The APPLICANT shall manage the project as specified in the grant application and this agreement.

   c) Failure by the APPLICANT to comply with such terms and obligations shall result in the immediate revocation of the approved grant or will constitute a conversion pursuant to IDAPA 26, Title 1, Chapter 350, as applicable.
IN WITNESS THEREOF, the parties have executed this Memorandum of Understanding following their respective signatures.

Idaho Department of Parks and Recreation

David R. Langhorst, Director

Date

Board of County Commissioners

County Commission, Chairman

3-17-16

Date

County Sheriff's Office

Sheriff

03-16-16

Date

For IDPR Use Only

Idaho Department of Parks and Recreation

Date
Stephen R. Woolf

From: inquiry@idpr.idaho.gov
Sent: Thursday, March 10, 2016 10:17 AM
To: david.dahms@idpr.idaho.gov; randy.herman@idpr.idaho.gov;
idprboatingeducation@idpr.idaho.gov; Ed.Lyon@idpr.idaho.gov
Cc: Stephen R. Woolf
Subject: RBS Form Submission

[County Information]

County Sheriff's Office: Bonneville
County Phone Number: (208) 529-1375
Street Address: 605 N Capital
City: Idaho Falls
ZipCode: 83402

[Fiscal Year]

[Contact Person]
Contact Person for the RBS Grant: Michael Vasquez
Title: Marine Deputy
Office Phone: (208) 529-1375
Cell Phone: (208) 317-8435
Email Address: mvasquez@co.bonneville.id.us

[Person Completing This Application]

Full Name: Stephen Woolf
Title: Financial Officer
Office Phone: (208) 529-1375
Cell Phone: ()
Email Address: swoolf@co.bonneville.id.us

[Grant Calculator]

Grant Allocation: $28935

[X] I understand the county needs to provide 50% matching funds for this grant
and that the matching funds will come from the county vessel account or
Waterway Improvement Fund (WIF) grants for law enforcement projects.

Matching Funds: $14467.5

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Total Budget for RBS Grant: $43402.5
[Estimated Budget]

Law enforcement personnel salaries: $30000
Law enforcement training or instructor costs: $3500
Boat safety education training or instructor costs: $500
LE equipment and supplies (other than fuel): $3300
Fuel for patrol vessels: $0
Boat safety education equipment and supplies: $102.5
Navigational aids: $1000
Repairs and/or maintenance: $5000
Other (please specify): $0

Description:

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Estimated Budget Total: $43402.5

[Question and Answer]

Q. What is the total estimated hours your county anticipates to spend on marine law enforcement during the current FFY?
A. 1200

Q. What is the total estimated hours your county anticipates to spend on boat safety education during the current FFY?
A. 100

Q. What is the total number of full-time marine deputies that the county anticipates to have during the current FFY?
A. 2

Q. What is the total number of part-time marine deputies that the county anticipates to have during the current FFY?
A. 0

Q. What is the number of vessel inspections the county proposes to complete for the current FFY?
A. 615

Q. List all patrol vessels the county will use for marine law enforcement during the current FFY.

Q. Will there be a radio on all boats (installed or hand-held)?
A. Yes [X] or No [ ]

Q. If "No", how many boats will not have a radio (installed or hand-held)?
A. 0

Q. How many patrol vehicles are used in your county marine program (vehicles used for marine law enforcement, including tow vehicles)?
A. 10
Q. What are the 3 highest priorities for your county marine law enforcement and boating safety education programs during the current FFY?
A. Reduce accidents on waterways
Promote water way safety
Educate proper use of marine vehicles

Q. Number of certified boat education safety instructors you have available for the current FFY.
A. 3

Q. Number of "Boat Idaho" classes planned for the current FFY.
A. 2

Q. Number of public outreach events to promote boating safety planned for the current FFY.
A. 2

[Certification]

[ ] I am the County Sheriff

[ ] I am authorized by the County Sheriff to complete this on-line application

[ ] The County will use the allocated RBS funds for the items outlined in the estimated budget.

[ ] I understand that circumstances arise during the boating season which require the re-allocation of the estimated budget. I also understand that RBS funds will only be used for marine law enforcement activities, boat safety education programs, navigational aids, appropriate equipment and supplies, and repair and maintenance of equipment and supplies.

[ ] I understand that the county must have at least one certified Boat Safety instructor, instruct at least one "Boat Idaho" public boating safety course, and provide public awareness of boating safety issues through at least one public outreach event during the current FFY to be eligible for RBS funds.

[ ] I understand that in order to run an effective state boating program IDPR needs to be aware of local boating ordinances. As such, a copy of all boating related ordinances, if applicable to your county, has been faxed/ emailed to the state boating law administrator. I also understand that the ordinances will be posted on the IDPR website to inform state boaters about local rules.

[ ] I understand that all marine law enforcement activities for the current FFY need to be entered into the IDPR law enforcement database no later than October 31.

[ ] I understand that the county must have a Personal Floatation Device (PFD) wear policy that requires all marine deputies to wear a PFD at all times while on duty during on-the-water operations.