



CITY OF SACRAMENTO

DEPARTMENT OF POLICE

HALL OF JUSTICE
813 - 6TH STREET

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 448-5121

JOHN P. KEARNS
CHIEF OF POLICE

November 17, 1980

REF: 11-25

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: BOAT PATROL

SUMMARY

In a letter dated March 2, 1979, the Sacramento County Sheriff's Department notified the City of Sacramento that, due to budget constraints, routine boat patrols would be eliminated from the Sacramento River between the Freeport Bridge and a point immediately north of the American River. The American River has never been patrolled. Subsequently, the State offered, at no cost, to donate a suitable boat, training, and assistance in the development of a Boating Enforcement Program.

BACKGROUND

Increasing use of recreational facilities on the American and Sacramento Rivers combined with a reduction in boat patrol services during the seasonal peak suggests a potentially hazardous situation. Although the Sheriff's Department will respond to emergency calls for service on the Sacramento River, no patrols are conducted.

The State, by contract with the City, will provide a 1978 Marlin Jet Boat suitable for both rivers. With the exception of a police radio, the craft is fully equipped with trailer and is in excellent mechanical condition. In accepting the craft, the City would agree to three conditions:

1. The craft would be deployed during seasonal peak periods.
2. Preventive maintenance would be performed by the City on a regular basis.
3. If use is not maintained, ownership of the boat would revert to the State.

The State will, at no expense to the City, train personnel in all aspects of boating enforcement and provide continued liaison until the detail is self-sufficient.

APPROVED
BY THE CITY COUNCIL

NOV 25 1980

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CITY CLERK

If the craft is obtained, the Boat Patrol Detail will be a function of the Auxiliary Police. All personnel, supervision, and training would be coordinated through the Director of Auxiliary Police. Actual use of the boat would be seasonal and require two (2) Auxiliary Officers. The patrol would be used to enforce boat-related violations on weekends and holidays from May through September. Attachment 1 is a list of issues considered in determining the necessity for the patrol.

One legal factor requires Council action (see Attachment 2 - Question 2). The City Code currently waives the authority to patrol the river. It is therefore necessary to repeal the waiver to vest the City with the authority to enforce laws on the river.

FINANCIAL DATA

The enforcement of City Ordinances relating to water safety and boating by the Boat Patrol can be expected to generate some revenue for the General Fund. Projections of revenues cannot readily be formulated at this time.

The Auxiliary Police are equipped with hand-held portable radios. If it is later determined that handi-talkies are not sufficient for operational purposes, a mobile police radio unit will be obtained from a fleet vehicle.

Salaries for two (2) Auxiliary Officers during the period in which the craft will be deployed is projected at approximately \$6,100. These funds can be absorbed in the current FY 1980-'81 budget for Auxiliary Police Officers.

DAILY COST - SACRAMENTO POLICE DEPARTMENT AS PROPOSED

Two (2) Auxiliary Officer Operation.

Salary	\$116.96
Fuel	20.00
Maintenance	<u>15.60</u>

\$152.56 x 40-day season = \$6,102 TOTAL COST

The City provides free dockage at Miller Park to the County for the Sheriff's patrol boat. Since the County will not perform patrol service on the City's rivers, the dock can be reassigned to the Police Department. The Director of Community Services has recommended that the County be notified to vacate their assigned boat berth 60 days from acceptance of this proposal.

There would be an additional cost of \$16,500 if the City paid for the current level of service by the County of Sacramento. In response to a request for a similar proposal, Yolo County submitted a proposed 7-day-a-week operation for a 6-month period at a first year cost of \$81,342; a second-year cost of \$58,811; and a third-year cost of \$64,242. A detailed breakdown for the County's proposal is outlined on Attachments 3 and 4.

APPROVED
BY THE CITY COUNCIL

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CITY CLERK

RECOMMENDATION

It is recommended that the City Council:

1. Accept the 1978 Marlin Jet Boat subject to the condition from the Department of Boating Safety and Waterways.
2. Instruct the City Attorney to repeal Section 2.7 to vest authority with the City of Sacramento to enforce laws on the river within the City limits.

Respectfully submitted,


JOHN P. KEARNS
CHIEF OF POLICE

Recommendation Approved:


WALTER J. SLIP
CITY MANAGER

JPK:HRA:jt

Attachments

APPROVED
BY THE CITY COUNCIL

NOV 25 1980

OFFICE OF THE
CITY CLERK



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DEPARTMENT OF POLICE

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813 - 6TH STREET

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5121

JOHN P. KEARNS
CHIEF OF POLICE

October 20, 1980

Ref: 10-62

CITY MANAGER'S OFFICE
RECEIVED
OCT 24 1980

William R. Redmond
Senior Management Analyst
City Manager Administration
915 I Street
Sacramento, CA 95814

Dear Mr. Redmond:

I have received your request for information on the Boat Patrol Proposal and have answered the questions raised in the order in which they were submitted.

1. Why patrol waterways in the City and do complaints of criminal activity justify patrol?

The Sacramento County Sheriff's Department was providing patrol service but has discontinued this service unless the City pays for the program. Patrols were implemented upon waterways as a result of citizen complaints regarding speeding, disturbances, vandalism, and theft.

2. Why are salaries lower in the Sacramento Police Department proposal?

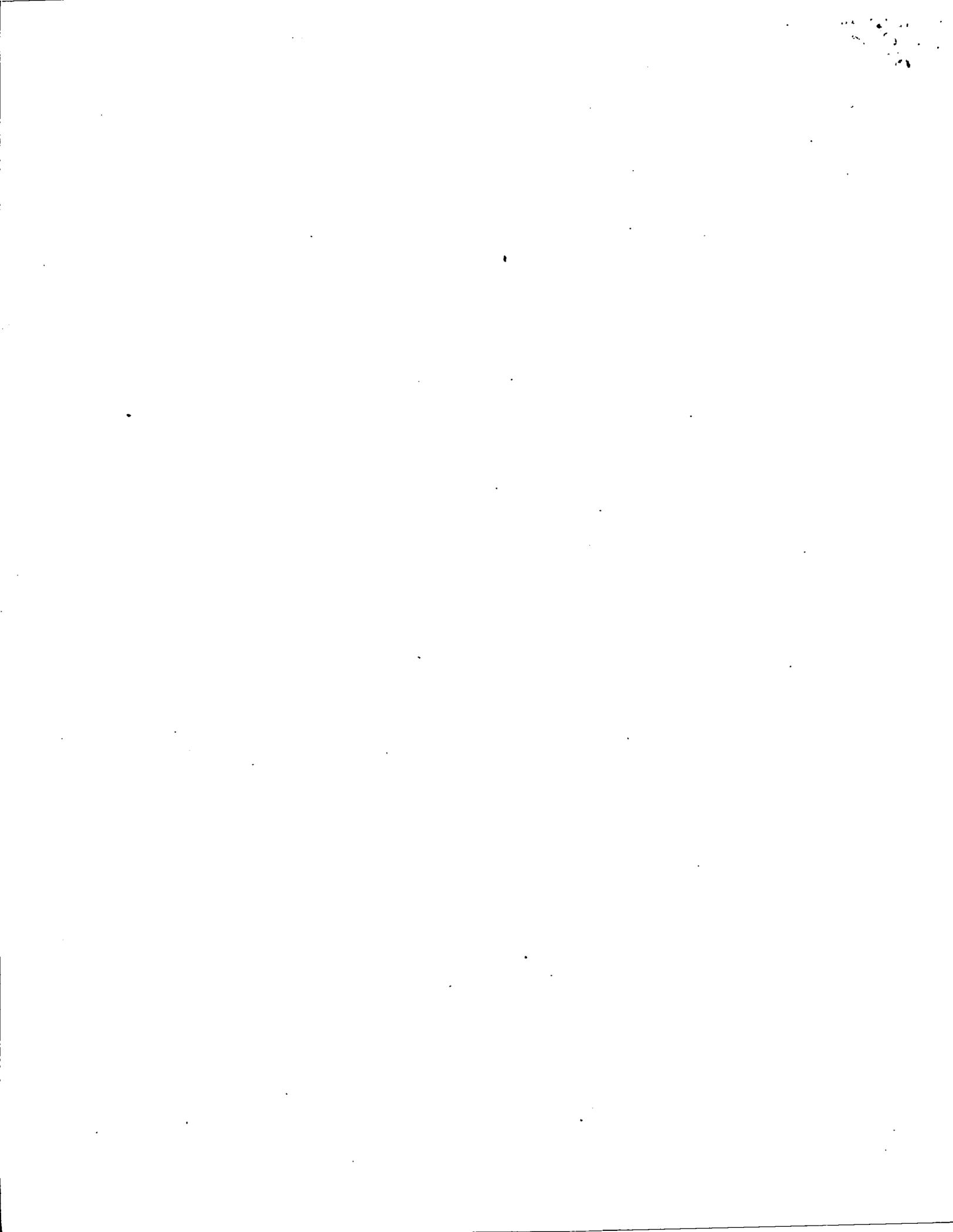
The Sacramento Police Department Auxiliary would provide the manpower for this program on weekends and holidays only. Salary savings result due to lower pay scales for Auxiliary Officers and only patrolling during maximum waterway usage periods.

3. Who would supervise the program?

All Police Auxiliary functions are under the supervision of the Director of Auxiliary Operations. This position is currently filled by a Police Sergeant.

4. Would clearances on boat configuration be needed from State agencies?

The State Department of Boating and Waterways is providing the patrol boat and it meets all applicable state regulations regarding configuration and usage.



William R. Redmond
Page 2

5. Would persons running the boat need licenses of any sort?

No license is required for the type and size of boat being proposed for this program.

6. What is the condition of the "free boat"?

The boat being offered is a 1977 model that is in excellent condition and has a brand new engine.

7. Why is it free?

The Department of Boating Safety and Waterways provided this vessel to the Shasta County Sheriff's Department for use in patrolling waterways in that County. The Sheriff's Department utilized the boat 16 hours per day, seven days per week on lakes and streams in the County. The boat was returned to the State because the County wished to purchase a larger boat with a heavier engine to handle the heavy use to which they submitted the boat.

The State is aware of the need for the enforcement of boating safety laws and criminal statutes on waterways. In order to assist local agencies in meeting this need, boats and training in their use have been given to local law enforcement agencies at no cost.

8. What is the remaining useful life of the boat?

The boat being offered to the City is a 1977 year model with a brand new engine. It is projected that the boat should last 7 to 10 years and the engine 3 to 5 years without major problems of any sort.

9. How would support services be provided?

Maintenance for the boat would be provided by the Sacramento Fire Department in return for its use during those times that it was not being used in patrol functions. The City also provided a berth and use of the Miller Park Marina to the Sacramento Sheriff's Department for the provision of patrol service to City waterways. Since the County is no longer providing this service, this facility should be available for this program.

10. How would tort liability be handled?

All liability would be handled in the manner as any other Police Department function. Auxiliary Officers are peace officers while on duty and they are treated the same as full time sworn personnel.

William R. Redmond
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11. Are pirates getting to be a problem?

There have been no recent allegations of piracy to this agency, but within the last month we have had reports of boat theft and one incident in which a boat tried to ram another. After several ramming attempts, culprits beached their boat, collected large rocks, and attempted to sink the victim by throwing the rocks into his boat.

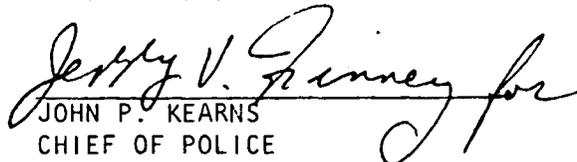
12. What kind of revenue will the City realize from citations resulting from this program?

Funds from fines resulting from violation of City Ordinances and/or State codes are handled by the City Finance Department. It is unknown what percentage is returned from the County of Sacramento to the City of Sacramento.

Members of my staff were recently contacted by Mr. Robert Strange, Deputy Director of the Department of Boating and Waterways, phone number 322-1834. Mr. Strange wished to know if the City was still interested in the boat. He was advised that we were and of the status of discussions concerning the Boat Patrol Proposal. Mr. Strange volunteered to discuss the program with any city official and to also hold the boat pending a decision on this matter.

Please contact me if you have any further questions regarding the Boat Patrol Proposal or if I can be of assistance in some other manner.

Very truly yours,


JOHN P. KEARNS
CHIEF OF POLICE

JPK:HEH:jln



CITY OF SACRAMENTO

JAMES P. JACKSON
CITY ATTORNEY
THEODORE H. KOBAY, JR.
ASSISTANT CITY ATTORNEY
LELIAND J. SAVAGE
DAVID BENJAMIN
SAM JACKSON
WILLIAM P. CARNAZZO
SABINA ANN GILBERT
STEPHEN B. NOCITA
DEPUTY CITY ATTORNEYS

DEPARTMENT OF LAW

812 TENTH ST. SACRAMENTO, CALIF. 95814
SUITE 201 TELEPHONE (916) 449-5346

September 18, 1980

MEMORANDUM

TO: JOHN P. KEARNS, Chief of Police
LARRY A. HINDS, Administrative Sergeant
Patrol Division
FROM: JAMES P. JACKSON, City Attorney
SAMUEL L. JACKSON, Deputy City Attorney
RE: ENFORCEMENT OF LAWS ON RIVER WATERS
LOCATED WITHIN THE CITY

QUESTION I

Is there a written agreement between the City and the Sacramento Sheriff's Department regarding enforcement of laws on the rivers?

ANSWER

No such written agreement could be located. However, there is a county ordinance (Ordinance 626) stating that the county will enforce the laws upon the waterways within the County of Sacramento. This would include the waterways within the City limits. A copy of Ordinance 626 is attached for your reference.

In addition to the county ordinance providing for enforcement, the City enacted an ordinance, within 3 days of the date of the county's ordinance, stating that the City waives the right to enforce laws on the waterways within the City limits (City ordinance 2081, Code Section 2.7). A copy of City Code Section 2.7 is attached for your reference.

The mere fact that the county has an ordinance in effect does not mean that the sheriff is obligated to enforce the laws on waters within the City.

QUESTION II

If the Sheriff will not enforce the laws on the rivers within the City limits, must we repeal Section 2.7 S.C.C. and become the enforcing agency?

John P. Kearns
Larry A. Hinds

-2-

September 18, 1980

ANSWER

If the Sheriff discontinues enforcement it would be necessary to repeal S.C.C. 2.7 and the City would then be vested with the authority to enforce the laws on the rivers within the City.

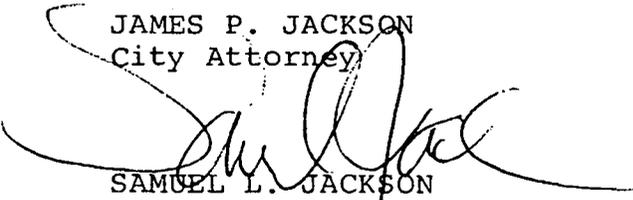
QUESTION III

Is there a 5 mile per hour speed limit on the American River from its confluence with the Sacramento River east? If there is a limit, which agency passed it? If the ordinance is a County ordinance, would it still be binding if the Police Department had to take over enforcement?

ANSWER

Yes, there is a 5 mile per hour speed limit on the American River. This was enacted by the City under ordinance number 4229, City Code Section 27.351, a copy of which is attached for your reference.

JAMES P. JACKSON
City Attorney



SAMUEL L. JACKSON
Deputy City Attorney

SLJ:mb

attachments

ARTICLE IV. Speed Limits on American River.

Sec. 27.350 Definitions.

As used in this article, unless the context clearly requires a different meaning, all words shall have the same meanings as provided in California Harbor and Navigations Code Section 651 including any amendments thereto subsequent to the enactment of this article. (Ord. 4229, §1)

Sec. 27.351 Speed limit--American River.

No person shall operate any motor boat or other motor powered vessel at a speed in excess of five (5) miles per hour relative to the stream bottom for upstream speeds and relative to the water surface for downstream speeds on that part of the waters of the American River located within the City of Sacramento. (Ord. 4229, §1)

Sec. 27.352 Exempted areas.

This article does not apply in any area subject to the provisions of Harbors and Navigation Code Section 655.2 or in any other area for which a lesser speed limit is provided pursuant to the provisions of the Harbors and Navigation Code. (Ord. 4229, §1)

Sec. 27.353 Peace officers exempted.

This article does not apply to any vessel being used by a peace officer of any federal, state, or local agency while engaged in law enforcement activities for which the use of a motorboat is reasonably necessary, or vessels operated by the state or any agency thereof in the performance of official duties. (Ord. 4229, §1)

Sec. 27.354 Authorization to enforce.

Pursuant to Section 2.7 of the Sacramento City Code, the County of Sacramento and the Sheriff thereof is authorized to enforce the provisions of Section 27.351. (Ord. 4229, §1)

Sec. 2.7 Waiver of certain police jurisdiction on Sacramento and American Rivers.

The city hereby waives police power jurisdiction over the regulation of equipment, use and operation of boats and water skis on public waters of the Sacramento and American Rivers lying within the boundaries of the city. The city authorizes the county and the sheriff thereof to enforce the provisions of Ordinance 626 of the county, passed August 25, 1958, within and upon the public waters of the Sacramento and American Rivers lying within the boundaries of the city. (Ord. No. 2081, § 1)

Article II. . Finance

Division 1. Generally

Secs. 2.8 to 2.11 Repealed by Ordinance No. 3008.

Secs. 2.12 to 2.18 Repealed by Ordinance No. 3380.

Division 2. Organization of the Department of Finance

Secs. 2.19 to 2.28 Repealed by Ordinance No. 3380.

Division 3. Ann Land Memorial Fund and Bertha Henschel Memorial Fund

Subdivision 1. Generally

Sec. 2.29 Established.

There is hereby created a special fund of the city to be known as, called and designated the "Ann Land Memorial Fund," into which there shall be paid, and to the credit of which there shall be placed upon the books of the city treasurer all moneys which are or may be paid over to the city by the executors and executrix of the last will and testament and estate of William Land, deceased, in fulfillment and satisfaction of the gift, legacy and bequest made to the city in and by the provisions of the twenty-seventh paragraph of the last will and testament of William Land, deceased.

In addition, there is also hereby created a special fund of the city to be known as, called and designated the "Bertha Henschel Memorial Fund," into which there shall be paid, and to the credit of which there shall be placed upon the books of the city treasurer all moneys which are or may be paid over to the city by the executors of the last will and testament and estate of Bertha Henschel, deceased, in fulfillment and satisfaction of the gift, legacy and bequest made to the city in and by the provisions of the last will and testament of Bertha Henschel, deceased.



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HALL OF JUSTICE
813 - 6TH STREET
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5121

JOHN P. KEARNS
CHIEF OF POLICE

July 18, 1980

Ref: 7-55

Walter J. Slipe
City Manager
Room 109, City Hall
Sacramento, CA 95814

Dear Mr. Slipe:

Your request for a cost-effective comparison between our River Enforcement Plan utilizing Auxiliary Officers and a contractual agreement with the Sacramento County Sheriff's Department is complete. These figures are based on past costs records maintained by the Sheriff's Boat Patrol and do reflect their current 10% salary increase.

Daily Cost - Sacramento Sheriff's Department

2 Officer Operation:

Salary	\$385.25 per day
Fuel	30.00 per day
Maintenance (based on cost of \$156.00 each 100 hours of operation)	<u>15.60 per day</u>
PER DAY TOTAL	\$403.85

Daily Cost - Sacramento Police Department as proposed.

2 Officer Operation:

Salary	\$116.96
Fuel	20.00
Maintenance (based on above)	<u>15.60</u>
PER DAY TOTAL	\$152.56

LETTER

July 18, 1980

Walter J. Slipe
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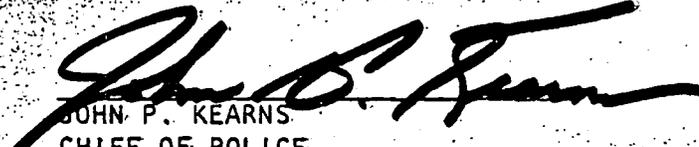
Implementation of the City proposal would be 62.3% less than a contractual agreement with the County for a daily savings of \$251.29.

You will note, that our estimate for fuel is less based on the fact that the boat, which is offered by the State, is smaller than those used by the Sheriff's Patrol and our patrol speed and distance traveled would be at lower sustained minimums.

Additionally, the maintenance would be greatly reduced in that the Fire Department has offered to carry out routine maintenance in exchange for use of the craft on those days when it is not normally in operation by the Police Department. Another factor which lends support to our proposal is that the Sheriff's Department does not have in their fleet a craft which is capable of being operated on the American River. In order to implement any agreement with them would require the purchase of an additional craft at a cost of approximately \$20,000.00 or to obtain a surplus craft from the State in much the same manner as the craft currently being offered to the City.

Based on cost and availability factors, I again recommend approval to implement the Boat Patrol Detail as proposed.

Very truly yours,



JOHN P. KEARNS
CHIEF OF POLICE

JPK:HRH:jln

cc: Jerry V. Finney,
Deputy Chief of Police

Harry Powell,
Assistant Fire Chief



CITY OF SACRAMENTO

CITY MANAGER'S OFFICE
RECEIVED
OCT 8 1980

DEPARTMENT OF POLICE
HALL OF JUSTICE
813 - 6TH STREET
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5121

JOHN P. KEARNS
CHIEF OF POLICE

October 7, 1980

Ref: 10-22

Walter J. Slipe
City Manager
Room 109, City Hall
915 I Street
Sacramento, CA 95814

Dear Mr. Slipe:

Your request to obtain an opinion from the City Attorney on whether or not jurisdiction has been waived on rivers in our jurisdiction and whether or not the Yolo County Sheriff's Department would be interested in contracting with us to provide river boat patrol services has been completed. Listed below are summaries of the responses obtained to your questions.

River Jurisdiction

There is no written agreement between the City and the Sacramento Sheriff's Department regarding the enforcement of laws on local rivers. The Sheriff is under no obligation to enforce laws on waters within the City and jurisdiction over rivers reverts to the City if S.C.C. 2.7 is repealed.

Yolo County Sheriff's Department Proposal

The Yolo County Sheriff's Department is tentatively proposing a three year contract for patrol boat services in the City of Sacramento's jurisdiction. A rough draft of the cost of providing services has been provided to us, but any future discussion would have to be approved by the Yolo County Board of Supervisors.

First Year

Equipment	\$29,650
Training, Maintenance, Fuel	5,000
Salary	<u>46,692</u>
Total	\$81,342

11/11/11

October 7, 1980

Walter J. Slipe
Page 2

Second Year

Miscellaneous Equipment	\$ 500.00
Training	500.00
Maintenance	3,000.00
Resusciator	750.00
Fuel	2,700.00
Salary	<u>51,361.00</u>
Total	\$58,811.00

Third Year

Miscellaneous Equipment	\$ 500.00
Training	750.00
Maintenance	3,500.00
Fuel	3,000.00
Salary	<u>56,497.00</u>
Total	\$64,247.00

Implementation of the City proposal is still considerably less than that of any other and it is more in line with our needs.

Since the boat offered by the State is smaller and will operate at lower sustained speeds, the cost of fuel is less and the maintenance of the craft can be performed by the City of Sacramento Fire Department in exchange for the use of the boat when it is not being operated by the Police Department. Manpower for the operation of this service can be provided by the Auxiliary in the same manner that enforcement services are provided for our park system and this would result in the largest ongoing savings for the provision of river patrol services.

Based upon cost, availability factors and meeting the needs of the City of Sacramento, I still recommend approval to implement the Boat Patrol Program as proposed.

Very truly yours,


JOHN P. KEARNS
CHIEF OF POLICE

JPK:HEH:jln

Attachments

cc: Jerry V. Finney, Deputy Chief of Police
Harry Powell, Assistant Fire Chief