

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

November 5, 2024

FROM

LUTHER SNOKE, Chief Executive Officer, County Administrative Office

SUBJECT

Contract with SCI California Funeral Services, Inc. dba Mt. View Mortuary & Cemetery for Interment Services

RECOMMENDATION

Approve **Contract No. 24-1054**, including non-standard terms, with SCI California Funeral Services, Inc., dba Mt. View Mortuary & Cemetery to provide full interment services at County-owned Samaritan Park, also known as Samaritan Cemetery, in an amount not to exceed \$83,454, for the retroactive period beginning July 1, 2024 through June 30, 2029. (Presenter: Trevor Leja, Assistant Executive Officer, 387-4811)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Provide for the Safety, Health and Social Service Needs of County Residents.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The total cost for full interment services for unclaimed and deceased indigents is \$83,454. Any costs paid by the County Administrative Office (CAO) will be reimbursed by the Sheriff/Coroner/Public Administrator (Sheriff). Sufficient appropriation is included in both the 2024-25 CAO and Sheriff budget (4436501000) and will be included in future recommended budgets.

BACKGROUND INFORMATION

Since 1986, SCI California Funeral Services, Inc. dba Mt. View Mortuary & Cemetery (Mt. View Cemetery) has provided full interment services for the County's unclaimed and deceased indigents at Samaritan Park in San Bernardino. Samaritan Park, also known as Samaritan Cemetery, is a County-owned property used for the burial of the unclaimed and deceased indigents.

Full interment, disinterment, and maintenance of grave services provided by Mt. View Cemetery are essential to the County. Pursuant to Health and Safety Code Sections 7104 and 7104.1 and Government Code section 27460, the County Coroner has the responsibility to bury unclaimed and deceased indigents. Additionally, Welfare and Institutions Code section 17009 states the Board of Supervisors (Board) may provide for the burial or cremation of the indigent dead and the maintenance of their graves.

The Contract contains non-standard terms that differ from the standard County contract terms. The non-standard terms include the following:

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1. The Contract includes mutual indemnification between the County and Mt. View Cemetery.
 - The County standard contract does not include indemnification or defense by the County of a contractor.
 - Potential Impact: By agreeing to indemnify Mt. View Cemetery, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against Mt. View Cemetery without such limitations and the County could be responsible to defend and reimburse Mt. View Cemetery for costs, expenses, and damages, which could exceed the total Contract amount.

2. The Contract does not include certain standard County insurance requirements, including the Policies Primary and Non-Contributory requirement and the right of the County to obtain insurance if Mt. View Cemetery fails to obtain insurance and charge the contractor for the cost of the insurance.
 - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
 - Potential Impact: No Policies Primary and Non-Contributory requirement means that if there is a claim under an insurance policy there may be a dispute between Mt. View Cemetery's insurance company and the County as to who is initially responsible and if the County must contribute towards any loss. Further, if Mt. View Cemetery fails to obtain insurance, the County's recourse is limited to terminating the Contract.

The CAO recommends approval of the Contract, including non-standard terms, as the services are essential to the County. Due to extended internal administrative review and delayed negotiations, the Contract is retroactive to July 1, 2024. The item is being presented at this time, as the Contract was received from Mt. View Cemetery on October 17, 2024, and this is the first Board meeting date available following the necessary operational, administrative, and legal reviews. Approval by the Board at this time will not impact services as services have been provided since July 1, 2024.

PROCUREMENT

Mt. View Cemetery has served in this capacity since July 1, 1986 and has created records of the plot location of each burial. It is licensed to provide interment services and is located adjacent to Samaritan Park. Mt. View Cemetery is in a unique position to provide the full interment services, including disinterment, necessary to fulfill the County's legal obligation. The Purchasing Department concurs with this non-competitive procurement based on the specialized services provided by Mt. View Cemetery.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on October 3, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst, 386-9008) on October 9, 2024; Sheriff/Coroner/Public Administrator (Kelly Welty, Chief Deputy Director, 387-3760) on October 16, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on October 18, 2024; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on October 16, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on October 21, 2024.

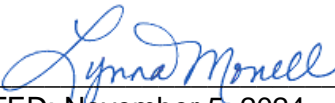
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: November 5, 2024



cc: CAO - Leja w/agree
Contractor - c/o CAO w/agree
File - w/agree
CCM 11/7/2024