

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

June 13, 2023

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Revenue Agreement with the State of California, Commission on Peace Officer Standards and Training for Emergency Vehicle Operations Courses

RECOMMENDATION(S)

Approve Revenue **Agreement No. 23-507** (State Agreement No. 23112115), including non-standard terms, with the State of California, Commission on Peace Officer Standards and Training for the provision of emergency vehicle operations courses, in an amount not to exceed \$1,050,000, for the period of July 1, 2023 through June 30, 2024.
(Presenter: Ernie Perez, Deputy Chief, 387-3760)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). As a Commission on Peace Officer Standards and Training (POST) certified Regional Training Center, the Sheriff/Coroner/Public Administrator (Department) provides mandated training to law enforcement personnel. The Department receives revenue for providing training, which is contingent upon the number of students enrolled in the courses, with the total amount reimbursed not to exceed \$1,050,000 for 700 students, at a rate of \$1,500 per student. POST establishes minimum enrollment standards to ensure sufficient class size to achieve full cost recovery. Budget adjustments are not requested at this time but will be included in a future agenda item presented to the Board of Supervisors (Board) for approval, if necessary.

BACKGROUND INFORMATION

Since 1993, the County has entered into annual agreements with POST to provide emergency vehicle operations and supervisory level training courses. The revenue agreement and rates for reimbursement are initiated and established annually by POST. Approval of this item will provide reimbursement to the Department for expenses associated with providing emergency vehicle operations courses to 700 students. The Department will be reimbursed by POST at a rate of \$1,500 per student, for an amount not to exceed \$1,050,000.

The Revenue Agreement (State Agreement No. 23112115) (Agreement) contains terms and conditions that differ from the County's standard contract language. The non-standard contract terms and conditions are as follows:

**Revenue Agreement with the State of California, Commission on Peace
Officer Standards and Training for Emergency Vehicle Operations
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1. The County is required to indemnify, defend, and save harmless the State of California (State), its officers, agents, and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in accruing or resulting to any person, firm or corporation who may be injured or damaged by the Contractor in the performance of this Agreement.
 - The County standard contract does not include any indemnification or defense by the County of a contractor.
 - Potential Impact: By agreeing to indemnify the State, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, or are time or expense limited, could be brought against the State without such limitations and the County would be responsible to defend and reimburse the State for costs, expenses, and damages, which could exceed the total Agreement amount.
 - Justification: The Department believes that providing mandated State training for Department personnel, and local and state agencies, at a Department-operated POST certified training facility, offsets any potential risk that may be associated by participating in the Agreement.
2. The Agreement does not list any self-certification provisions or require the State to meet the County's insurance standards as required pursuant to County Policy 11-07.
 - County Policy requires contractors to carry appropriate insurance limits and under conditions determined by the County's Risk Management Department as set forth in the County standard contract.
 - Potential Impact: The County has no assurance that the State will be financially responsible for claims that may arise during the Agreement period, which could result in expenses to the County that exceed the total Agreement amount.
 - Justification: The Department believes that the need to provide mandated State training, at a Department-operated POST certified training facility, minimizes the potential risk associated with the provision of the services.

While the State's terms and conditions are exceptions to the County's standard contract language, approval by the Board is necessary for the Department to provide the training covered by the Agreement. County Counsel and Risk Management have reviewed the non-standard language and provided input. The Agreement may be terminated by either party upon 30 days advance written notice.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on May 15, 2023; Risk Management (Victor Tordesillas, Director, 386-8621) on May 16, 2023; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on May 25, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 25, 2023.

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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: June 13, 2023



cc: Sheriff - Welty w/agree for sign
Contractor - C/O Sheriff w/agree
File - w/agree
CCM 06/15/2023