

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

December 19, 2023

**FROM**

**SHARON NEVINS, Director, Department of Aging and Adult Services**

**SUBJECT**

Non-Financial Memorandum of Understanding with Loma Linda University for Student Nursing Interns

**RECOMMENDATION(S)**

Approve non-financial Memorandum of Understanding (**County Contract No. 23-1318**) with Loma Linda University for Student Nursing Interns for the period of December 19, 2023 through November 30, 2028.

(Presenter: Sharon Nevins, Director 891-3917)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

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

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

**FINANCIAL IMPACT**

The recommended Memorandum of Understanding (MOU) is non-financial in nature, and as such, does not impact Discretionary General Funding (Net County Cost).

**BACKGROUND INFORMATION**

Under the terms of the recommended MOU, the Department of Aging and Adult Services (DAAS) will provide qualified DAAS professional staff to provide learning opportunities for students, including clinical training and field experience to interns, in the undergraduate nursing programs at Loma Linda University (LLU). LLU requires students enrolled in the nursing program to complete internship hours.

The MOU between the County and LLU contains non-standard insurance provisions that require approval by the Board of Supervisors per County Policy 11-05.

The MOU, negotiated by the parties, omits the following certain standard County terms or includes non-standard terms, as follows:

1. The MOU contains mutual indemnification and language that warrants that each entity has adequate coverage through their respective programs or resources to protect against liabilities arising out of the performance of the MOU.
  - The County standard contract does not include indemnification or defense by the County of a Contractor.
  - Potential Impact: By agreeing to indemnify the LLU, the County could be contractually waiving the protection of sovereign immunity. Claims that may

**Non-Financial Memorandum of Understanding with Loma Linda  
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otherwise be barred against the County, time limited, or expense limited could be brought against LLU without such limitations and the County would be responsible to defend and reimburse LLU for costs, expenses, and damages. LLU agrees through the MOU to maintain insurance coverage deemed prudent and customary to protect against liabilities arising out of the performance of terms, conditions, or obligations of the MOU. Both County and LLU agree through the MOU to indemnify each other from liability arising from the MOU. These terms are sufficient to mitigate risk to the County.

2. The MOU does not require that LLU name DAAS and its officers, employees, agents and volunteers as additional insureds with respect to liabilities arising out of the performance of services.
  - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department, including adding the County as an additional insured.
  - Potential Impact: By not including the County as an additional insured, the County has no assurances that LLU will be financially responsible for claims that may arise from the County not being listed on LLU's insurance policies as an additional insured. LLU agrees through the MOU to maintain insurance coverage deemed prudent and customary to protect against liabilities arising out of the performance of terms, conditions, or obligations of the MOU. These terms are sufficient to mitigate risk to the County.

DAAS recommends approval of this item, including the non-standard term. This cooperative agreement between DAAS and LLU are mutually beneficial. This MOU will provide student interns with valuable exposure to the unique aspects of working with adult and aging populations, while providing assistance to DAAS professionals in caring for these patients. Additionally, training professionals in the County provides for future employment in this important and growing field.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on December 12, 2023; County Counsel (Jacqueline Carey-Wilson, Deputy County Counsel, 387-5455) on December 12, 2023; Risk Management (Victor Tordesillas, Director, 386-8623) on December 12, 2023; Finance (John Hallen, Administrative Analyst, 388-0208) on November 30, 2023; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on December 4, 2023.

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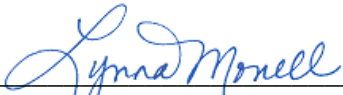
Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Curt Hagman Seconded: Col. Paul Cook (Ret.)

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: December 19, 2023



cc: DAAS - West w/agree  
Contractor - c/o DAAS w/agree  
File - w/agree

CCM 12/22/2023