

**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

Non-Financial Memorandum of Understanding with the City of Los Angeles Harbor Department for Use of the Regional Maritime Law Enforcement Training Center

RECOMMENDATION(S)

Approve non-financial Memorandum of Understanding (**County Contract No. 23-508**), including non-standard terms, with the City of Los Angeles Harbor Department, for the use of its Regional Maritime Law Enforcement Training Center to develop training strategies for the protection of America's waterways and ports, for a three-year term, effective upon full execution of the document by the Los Angeles Harbor Department Executive Director and authorization of the City of Los Angeles, Board of Harbor Commissioners.
(Presenter: Ernie Perez, Deputy Chief, 387-3760)

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

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The Memorandum of Understanding (MOU) is a non-financial document that defines the roles of the City of Los Angeles Harbor Department (LAHD) and the Sheriff/Coroner/Public Administrator (Department) for the use of LAHD's Regional Maritime Law Enforcement Training Center (RMLETC).

BACKGROUND INFORMATION

Approval of the MOU will enable the Department and LAHD to continue their partnership to develop training strategies for the protection of America's waterways and ports, provide access to a law enforcement marine training facility, and provide law enforcement training opportunities for Federal, state, local, rural, tribal, territorial and other law enforcement agencies. The proposed MOU outlines the relationship and responsibilities between both parties for marine training at the RMLETC located at the Port of Los Angeles. Department staff participate in training courses at the RMLETC as both instructors and students.

The courses at RMLETC are taught by Peace Officer Standards and Training (POST) certified instructors and include the following courses: Basic Maritime Officer, Advanced Maritime Officer, Anti-Terrorism Boat Operator, Electronic Navigation, Maritime Incident Response, Basic First Responder, Maritime Smuggling Indicators, Boating Under the Influence and Boating Accident Investigation, and Accident Reconstruction.

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The LAHD requires involved personnel to submit proof of insurance and an executed Release and Waiver of Liability, and Indemnity Agreement (Agreement), included as exhibits under the recommended MOU, which are normal and standard for these types of local city/county joint operations or trainings. The Agreement is a document whereby the individuals voluntarily agree to relieve the LAHD, other agents and agencies from any duty of care, and acknowledge the risks inherent to participation in training conducted at the RMLETC. However, as a matter of practicality, if injuries were to arise from authorized training, the injured personnel would be deemed as “on-duty” and working within the parameters of their “official duties” as Department employees covered by the County’s Workers’ Compensation insurance.

The Agreement includes the following terms that differ from the standard County contract:

1. LAHD provides no insurance for the County or the individual while participating in training sessions at the RMLETC.
 - The County standard contract, in accordance with County Policy 11-07, requires that contractor’s insurance policies, except for Worker’s Compensation, Errors and Omissions, and Professional Liability policies, shall contain additional endorsements naming the County and its officers, employees, agents, and volunteers as additional names insured with respect to liabilities arising out of the performance of services
 - Potential Impact: Department personnel will not have the benefit of insurance from the venue to cover any sustained injuries.
 - Justification: The Department believes that access to the training facilities far outweighs any risks upon the attendees utilizing the facilities and because any injury occurring at the facilities would be “on-duty,” the Department believes personnel have adequate insurance coverage.
2. The Agreement with LAHD requires mutual indemnification.
 - The County standard contract requires the contractor to indemnify the County in accordance with County Policy 11-07.
 - Potential Impact: The Agreement will require the County and LAHD to indemnify each other based on comparative fault. The County could be liable for potential harm or loss incurred by LAHD.
 - Justification: The Department believes that the Department members involved in the training will receive unprecedented access to training that would not otherwise be available and because any injuries or damages would occur “on-duty,” the Department believes personnel and LAHD staff have adequate insurance coverage, limiting a portion of the liability issue.

The Board of Supervisors has approved three previous MOUs between LAHD and the County (December 15, 2015, Item No. 73; December 6, 2016, Item No. 68; and January 28, 2020, Item No. 50) for the use of the RMLETC. As outlined in previous MOUs, the Department shall supply proof of insurance and execute a Port of Los Angeles /RMLETC Agreement for any personnel assigned as an instructor or as a student at the RMLETC.

The effective date of this MOU shall be the date of its execution by the Executive Director upon authorization of the City of Los Angeles’ Board of Harbor Commissioners, anticipated in July 2023. The term of this MOU shall be three years commencing from the date of its execution.

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Either party may terminate the MOU for any reason, with written notice to the other party 60 days before the date of termination.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on May 11, 2023; Risk Management (Victor Tordesillas, Director, 386-8623) on May 18, 2023; Finance (Erika Rodarte, Administrative Analyst, 387-0294) on May 26, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 26, 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