

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

March 29, 2022

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Non-Financial Memorandum of Understanding with the State of California Campaign Against Marijuana Planting Program

RECOMMENDATION(S)

1. Approve non-financial Memorandum of Understanding (**Agreement No. 22-250**) between the State of California and the Sheriff/Coroner/Public Administrator regarding the Campaign Against Marijuana Planting Program, for the purpose of identifying agency responsibilities related to cannabis eradication operations conducted in San Bernardino County, for the period of July 1, 2022 through October 30, 2022.
2. Authorize the Sheriff/Coroner/Public Administrator to execute and submit the Memorandum of Understanding, as required by the State of California.
3. Direct the Sheriff/Coroner/Public Administrator to transmit all documents related to the Memorandum of Understanding to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: John Ades, 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 recommended Memorandum of Understanding (MOU) is a non-financial document which defines the responsibilities of the State of California Campaign Against Marijuana Planting (CAMP) Program and the Sheriff/Coroner/Public Administrator (Department) for CAMP operations in San Bernardino County. Costs associated with the eradication services will be funded by grant revenue from the Drug Enforcement Administration (DEA) and the United States Forest Services (USFS). Sufficient appropriation and revenue will be included in the Department's 2022-23 recommended budget.

BACKGROUND INFORMATION

The Department and the State of California (State) have partnered through the CAMP Program and are committed to develop strategies and identify agency responsibilities related to cannabis eradication operations conducted in San Bernardino County.

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The Board of Supervisors (Board) has approved various CAMP MOUs with the latest being Agreement No. 21-320, approved on May 4, 2021 (Item No. 56), for the period of July 1, 2021 through October 30, 2021.

Under the terms of the MOU, the State will assign eradication team(s) to a region that may provide eradication services to San Bernardino County and will be comprised of law enforcement personnel from local, state, and federal agencies. The Department will be responsible for carrying out the law enforcement function of the team(s). The CAMP Operations Commander and the Regional Operations Commander (ROC), both State employees, will be responsible for the overall coordination of team efforts, including general operating procedures and coordination priorities. CAMP team leaders will be responsible for the timely completion and submission of marijuana seizure reports when the team is involved in a raid. When the CAMP eradication team is not involved, the Department will resume this responsibility. Each agency contributing personnel resources to the teams will be responsible for all salaries and benefits of such employees.

CAMP teams will abide by the law enforcement policies, rules, and regulations as set forth by the Sheriff of the county in which they are working. Should a conflict in policy arise that cannot be resolved, the CAMP Commander and the Sheriff, or his/her designee, will work together to achieve resolution.

Personnel assigned to the CAMP program, while operating in San Bernardino County, shall be deemed to be continuing under the employment of their own jurisdiction and shall have the same powers, duties, privileges, responsibilities and immunities as are conferred upon them as peace officers in their own jurisdictions.

The proposed MOU includes the following term that differs from the standard County contract:

For the purpose of indemnification, personnel assigned by any agency shall be deemed to be continuing under the employment of that agency and covered by workers' compensation to the extent such coverage applies in this situation, though the negligent party will have to indemnify the other parties for liability associated with the negligence.

- County Policy requires the contractor to indemnify the County against all claims arising out of the contract from any cause whatsoever. The County standard contract does not include any indemnification or defense by the County of a contractor.
- Potential Impact: The County would have to indemnify for liability associated with a negligent act committed by County staff.

The Department recommends approval of the MOU, including the non-standard term, to pursue County and Chief Executive Officer goals and objectives by working with other agencies and to provide for the safety, health and social service needs of County residents by assigning personnel to cooperate with the State and members from other law enforcement agencies in CAMP related activities within the County's jurisdiction. County Counsel and Risk Management have reviewed and provided input on the MOU.

Approval of Recommendation No. 2 will authorize the Sheriff/Coroner/Public Administrator to sign the MOU, as required by the State.

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PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on March 3, 2022; Risk Management (Victor Tordesillas, Director, 386-8621) on March 9, 2022; Finance (Yael Verduzco, Administrative Analyst, 387-5285) on March 10, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on March 10, 2022.

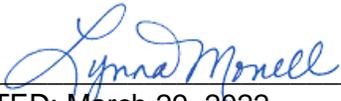
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 29, 2022



cc: Sheriff - Welty w/ agrees for sign
Contractor c/o Sheriff
File w/ agree
JLL 04/7/2022