

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

August 10, 2021

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Revenue Agreement with the California Department of Forestry and Fire Protection

RECOMMENDATION(S)

Approve Revenue **Agreement No. 21-601** with the California Department of Forestry and Fire Protection, and the necessary annual "Lease Agreement for the Intermittent Use of Aircraft", establishing the helicopter requirements for the Sheriff/Coroner/Public Administrator, Aviation Division's participation in the Call-When-Needed Helicopter Program for the reimbursement of costs related to providing fire suppression services, based on rates as established in the County Fee Ordinance, for the period beginning upon full execution of the Agreement through June 30, 2022.

(Presenter: John Ades, Deputy Chief, 387-0640)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

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 Agreement provides for reimbursement of equipment and personnel costs incurred in the performance of State-requested helicopter firefighting services. The hourly reimbursement rates listed below are established in the County Fee Ordinance (County Code Section 16.0226(k)). Actual revenue will be based upon the level of service provided. Sufficient appropriation and revenue is included in the Sheriff/Coroner/Public Administrator's (Department) 2021-22 budget.

Aircraft Model	FY21-22 Hourly Rate
Helicopter UH-1H	\$3,213
Helicopter B-212	\$3,302
Helicopter Airbus H125	\$1,983

BACKGROUND INFORMATION

The California Department of Forestry and Fire Protection (Cal Fire) Call-When-Needed Helicopter Program (CWN Program) enables Cal Fire to utilize a variety of aviation entities to provide fire suppression services on an as-needed basis. The Department is requesting

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authorization to participate in this program to enable the Department to obtain reimbursement for firefighting activities requested by Cal Fire.

The “Call-When-Needed Helicopter Requirements Agreement” (Agreement) outlines the specifications for aircraft, equipment, and personnel providing services under the CWN Program. The Agreement also outlines how services will be ordered by Cal Fire, operational procedures between the parties, and the process for applying for reimbursement. The CWN Program requires execution of the State’s standard terms and conditions for contracting [“Contractor Certification Clauses (CCC) for Services” and form CCC-307] that detail general contracting requirements. The County is also required to annually submit a “Lease Agreement for the Intermittent Use of Aircraft” (State Form FC-107RW) which details the Department’s aircraft specifications and hourly rates for reimbursement based on the rates adopted by the Board of Supervisors in the County Fee Ordinance. The Agreement includes non-standard and conditions that differ from the County’s standard contract language as follows:

1. Indemnity Standards:
 - a. Non-standard term: The State requires the County to indemnify it in relation to activities related to the agreement.
 - b. Impact: The County could potentially have to indemnify the State in the event it is sued due to County activities.
 - c. Justification: The Department believes the need to assist in fighting fires and the ability to recover fees outweighs any potential risk.

2. Termination Standards:
 - a. Non-standard term: The State can terminate the contract with 30 days’ notice while the County must request and obtain permission to terminate the contract prior to the expiration of the agreement.
 - b. Impact: The Department could be required to respond to a fire even if there is a dispute due to the State’s refusal to allow the County to terminate the contract prior to the expiration of the agreement.
 - c. Justification: The Department believes the benefit of cost recovery for these services outweighs the risk associated with the ability to terminate the contract with 30 days’ notice.

3. Insurance Standard:
 - a. Non-standard term: The State requires the County to provide insurance that covers the State in relation to activities under this agreement.
 - b. Impact: The County could potentially be required to pay monies in relation to activities involving its aircraft related to fire fighting.
 - c. Justification: The Department believes the value of the cost recovery for activities it undertakes to assist with fighting any fires outweighs the risks associated with the activities.

While the State’s terms and conditions are exceptions to the County’s standard contract language, approval by the Board of Supervisors is necessary for the Department to provide the services when requested by the State for the safety and health of County residents. Counsel and Risk Management have reviewed the non-standard language and provided input.

PROCUREMENT

Not applicable.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on July 22, 2021; Risk Management (Victor Tordesillas, Interim Director, 386-8621) on July 22, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on July 22, 2021; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on July 22, 2021.

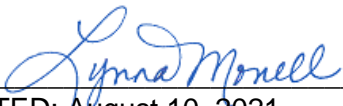
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Record of Action of the Board of Supervisors
San Bernardino County

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: August 10, 2021



cc: Sheriff- Welty w/agree for sign
Contractor- C/O Sheriff w/agree
File- w/agree
LA 08/11/2021