

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

June 13, 2023

FROM

BEAHTA R. DAVIS, Director, Regional Parks Department

SUBJECT

Recreational Trails Program Grant Application for the Santa Ana River Trail Phase IV B and C Project

RECOMMENDATION(S)

1. Approve and authorize the submission of a grant application in the amount of \$2,000,000 to the California Department of Parks and Recreation – Office of Grants and Local Services for the Recreational Trails Program grant for the Santa Ana River Trail, Phase IV B and C Project located between Orange Street in the City of Redlands and Opal Street in Mentone, California.
2. Adopt **Resolution No. 2023-94** authorizing the Chair of the Board of Supervisors, the Chief Executive Officer, the Deputy Executive Officer, or the Director of the Regional Parks Department to negotiate, and execute and submit documents related to the Recreational Trails Program grant, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws, which may be necessary for the completion of the Santa Ana River Trail, Phase IV B and C Project, as required by the California Department of Parks and Recreation – Office of Grants and Local Services.
3. Direct the Director of the Regional Parks Department to transmit the grant application, contracts, and amendments in relation to the Recreation Trails Program grant for the Santa Ana River Trail, Phase IV B, and C Project to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Beahta R. Davis, Director, 387-2340)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

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

FINANCIAL IMPACT

Approval of this item will result in the use of additional Discretionary General Funding (Net County Cost). The current total implementation cost for the Santa Ana River Trail (SART) Phase IV B and C Project (Orange Street to Opal Street) is estimated at \$9,875,164. The maximum amount available under this Recreation Trails Program grant is \$2,000,000. If granted funding, the California Department of Parks and Recreation – Office of Grants and Local Services (OGALS) would fund 88 percent of required funding for planning, design, and the construction of this section of SART in the amount of \$1,760,000 as reimbursements. The County is required to commit a required 12 percent match of \$240,000 at the time of the application to be considered

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for award. The Regional Parks Department (Department) will apply for the remaining funds from the California Coastal Conservancy.

BACKGROUND INFORMATION

This item will authorize the Department, on behalf of the County, to submit a grant application to OGALS and authorize the Chair of the Board of Supervisors (Board), the Chief Executive Officer, the Deputy Executive Officer, or the Director of the Department, as required by OGALS, to execute any subsequent documents related to the Recreational Trails Program grant, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws on behalf of the County, subject to review by County Counsel. If the grant application is successful, the Department will bring the resulting agreement to the Board for approval. Upon execution of the agreement, funds will be provided to the County, on a reimbursement basis, to fund Phase IV B and C Project implementation costs of the SART for the benefit of County residents and visitors. The SART Phase IV B and C Project will extend the trail 3.3 miles from Orange Street in Redlands to Opal Street in Mentone.

Per County Policy 11-05, contracts containing non-standard contract language must be approved by the Board. If awarded, the agreement with the State will include terms that are non-negotiable and include terms that are different from the standard County contract as follows:

1. The agreement will require the County to waive all claims and recourse against the State for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to the grant.
 - The County standard terms do not allow for a limitation on liability.
 - Potential Impact: The County would have to waive any claims against the State for damages connected to the grant.
2. The agreement will require the County to indemnify, hold harmless and defend the State, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or liability costs arising out of the acquisition, development, construction, operation or maintenance of the property.
 - The County standard contract indemnity provision requires the contractor to indemnify, defend, and hold the County harmless from third-party claim arising out of the acts, errors, or omissions of any person.
 - Potential Impact: If the State is sued for any claim under the County's use of the grant funds, the County would have to defend and be liable for any costs, expenses, and damages.

Furthermore, if awarded, the County must maintain the developed property as a recreational trail in perpetuity. The Department recommends approval of the agreement, including non-standard terms, as it would support the Department's implementation of this phase of SART.

San Bernardino County has completed and opened two sections of the SART to the public. SART- Phase II was completed in April 2005 and extended the trail from Waterman Avenue in San Bernardino to La Cadena Avenue in the City of Colton. SART- Phase I was completed in April 2007 and extended the trail from La Cadena Avenue to the Riverside-San Bernardino County line, where it joined Riverside County's existing trail section. In addition to the National Forest trail sections, there are now seven miles of paved, multi-use parkway completed and

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open to the public in San Bernardino County. Phase III of SART, located between Waterman Avenue and California Street in the cities of Redlands and San Bernardino, will begin construction in September 2023.

This action meets the County's and Chief Executive Officer's goals and objectives of operating in a fiscally-responsible and business-like manner by seeking grant funding for projects, ensuring development of a well-planned, balanced, and sustainable County by constructing facilities that encourage walking and biking, should the grant funds be awarded to construct the project; and providing for the safety, health, and social services needs of County residents by providing opportunities for healthy activities with construction of the SART.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on May 22, 2023; Finance (Elias Duenas, Administrative Analyst, 387-4052) on May 22, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on May 23, 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: File - Regional Parks w/ attachments

JLL 06/28/2023