

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

March 15, 2022

FROM

DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District

SUBJECT

Adoption/Donation Agreement with Working Dogs for Warriors

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District, approve Adoption/Donation **Agreement No. 22-213** with Working Dogs for Warriors, Corp. a non-profit corporation, to provide two service dogs dedicated to helping San Bernardino County Fire Protection District employees in its Peer Support Program, which Adoption/Donation Agreement will remain in effect while the service dogs are in the custody of the San Bernardino County Fire Protection District.

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-5779)

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.

FINANCIAL IMPACT

Approval of the Adoption/Donation Agreement will not result in the use of Discretionary General Funding (Net County Cost). Working Dogs for Warriors, Corp. (WDFW) will fund the costs for acquiring the service dogs and sending two San Bernardino County Fire Protection District (SBCFPD) staff members to training and certification classes in Rialto. The annual costs associated with food, shelter and care for the canines will be funded by SBCFPD. Sufficient appropriation for these costs is available in SBCFPD's 2021-22 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

SBCFPD is a community-based, all hazard emergency services provider. SBCFPD is committed to providing the highest level of service in the most efficient and cost-effective manner to the citizens and communities it serves. SBCFPD first responders face many physically and emotionally challenging situations, some of which lead to experiencing post-traumatic stress disorder, traumatic brain injury, or other service-related injuries.

WDFW is a 501(c)(3) nonprofit corporation that has established programs to honor those who have dedicated their lives to serving our community and country. WDFW wishes to donate two service dogs to SBCFPD that will participate in SBCFPD's Peer Support Program. SBCFPD will have two designated handlers who will receive training from WDFW and will continue to receive training per WDFW Service Dog Training Standards.

**Adoption/Donation Agreement with Working Dogs for Warriors
March 15, 2022**

SBCFPD's Peer Support Program is an employee assistance program offering confidential help and guidance by selected trained Peer Support Personnel to all SBCFPD members experiencing a personal or professional crisis. The service dogs provided by WDFW will be part of this team where the physical, social, education or mental health of employees can be improved by interaction with an appropriately trained dog. Each service dog will be assigned to a specific and approved dog handler who is part of SBCFPD's Peer Support team. The service dogs will be cared for by and reside with their assigned handler. Each designated dog handler will receive a pay differential in accordance with SBCFPD policy and as agreed to through a side letter with the labor union San Bernardino County Professional Firefighters International Association of Fire Fighters (IAFF), Local 935. The recommended side letter agreement between SBCFPD and San Bernardino County Professional Firefighters IAFF, Local 935 is on today's Board of Directors (Board) agenda. Approval of the Adoption/Donation Agreement with WDFW is dependent on the Board approving the side letter agreement.

Pursuant to County Policy No. 11-06, contracts that contain non-standard contract language require approval by the Board. The non-standard and missing terms of the Adoption/Donation Agreement include, but are not limited to, the following:

1. WDFW requires SBCFPD to release, hold harmless, and discharge WDFW from liability after adoption.
 - SBCFPD's standard contract does not require SBCFPD to release, hold harmless, and discharge a third party.
 - Potential Impact: SBCFPD will be responsible for the actions of the service dogs while in the possession of SBCFPD. While there are risks associated with SBCFPD owning the service dogs, SBCFPD believes the benefits the fully trained animals will provide to staff is sufficiently important to justify the risks associated with owning the animals.
2. The Adoption/Donation Agreement is silent on governing law and requires arbitration in the event of a contractual dispute.
 - SBCFPD's standard contract provides that California is the governing law and court venue is San Bernardino County.
 - Potential Impact: Since both parties are California entities, and performance is in California, governing law will be California law. In the event of a contractual dispute, the agreement requires arbitration before an arbitrator employed by Judicial Arbitration and Mediation Services, Inc. (JAMS), a private alternative dispute resolution provider, and each party to bear its own costs.
3. As the agreement is an Adoption/Donation Agreement and is not a typical contract for products and/or services, it does not include other standard SBCFPD terms.
 - SBCFPD's standard contract for products and services includes, but is not limited to, provisions that require SBCFPD approval before assignment and requires the vendor to agree to SBCFPD's standard indemnity and insurance provisions in County Policy No. 11-07.
 - Potential Impact: SBCFPD will be responsible for the actions of the service dogs while in the possession of SBCFPD. While there are risks associated with SBCFPD owning the service dogs, SBCFPD believes the benefits the fully trained animals will provide to staff is sufficiently important to justify the risks associated with owning the animals.

**Adoption/Donation Agreement with Working Dogs for Warriors
March 15, 2022**

Approval of the Adoption/Donation Agreement will allow SBCFPD to receive from WDFW two service dogs that will benefit SBCFPD employees as part of SBCFPD's Peer Support Program. This agreement takes effect on the date it is signed and approved by both parties and shall remain in effect while the service dogs are in SBCFPD's custody.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Supervising Deputy County Counsel, and Richard D. Luczak, Deputy County Counsel, 387-5455) on March 7, 2022; Human Resources (Gina King, Human Resources Deputy Director, 387-5571) on March 7, 2022; Risk Management (Victor Tordesillas, Director, 386-8730) on March 7, 2022; Finance (Tom Forster, Administrative Analyst, 387-4635) on March 7, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-5423) on March 7, 2022.

**Adoption/Donation Agreement with Working Dogs for Warriors
March 15, 2022**

Record of Action of the Board of Directors
San Bernardino County Fire Protection District

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, SECRETARY

BY  _____
DATED: March 15, 2022



cc: SDD/SBCFPD- Munsey w/agree
Contractor- C/O SBCFPD w/agree
File- w/agree w/attach
LA 03/22/2022