

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

June 11, 2024

FROM

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

SUBJECT

Memorandum of Agreement for the San Bernardino County Regional Urban Search and Rescue Task Force Six Response System

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District:

1. Rescind approval of the Memorandum of Agreement template for San Bernardino County Fire Protection District to collaborate with public fire agencies within San Bernardino County that was approved on July 25, 2023, Item No. 65.
2. Find that the San Bernardino County Regional Urban Search and Rescue Task Force Six Response System serves the San Bernardino County Fire Protection District purpose of community safety and aligns with San Bernardino County Fire Protection District's mission of regionalized services delivery and accountability to its local communities.
3. Approve a Memorandum of Agreement template, including a non-standard term, for San Bernardino County Fire Protection District to collaborate with public fire agencies within San Bernardino County that have urban search and rescue response teams, effective June 11, 2024, through June 10, 2029.
4. Authorize the Fire Chief/Fire Warden or Deputy Chief to execute the Memorandum of Agreement template with public fire agencies within San Bernardino County.

(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.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of the recommended actions will not result in the use of Discretionary General Funding (Net County Cost). San Bernardino County Fire Protection District (SBCFPD) and each participating agency will complete their own cost reimbursement package and submit to the California Governor's Office of Emergency Services (CalOES) or the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA), depending on the type of incident, if applicable.

BACKGROUND INFORMATION

Urban search and rescue is considered a "multi-hazard" discipline, as it may be needed for a variety of emergencies or disasters, including earthquakes, hurricanes, typhoons, storms, tornadoes, floods, dam failures, technological accidents, terrorist activities, and hazardous

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materials releases. The National Urban Search and Rescue (USAR) Response System (System), established under the authority of FEMA in 1989, is a framework for organizing federal, state and local partner emergency response teams as integrated federal disaster response task forces.

There are currently 12 regional USAR Task Forces located throughout the state. These regional USAR task forces are comprised of 30 people specially trained and equipped for large or complex urban search and rescue operations. The multi-disciplinary organization provides five functional elements that include supervision, search, rescue, medical, and logistics. SBCFPD's regional USAR task force is Regional Urban Search and Rescue Task Force Six (RTF-6).

SBCFPD has operated RTF-6 for more than 20 years, but in recent years, it has become difficult to have USAR qualified firefighters available to staff a 30-person team during emergency incidents.

On July 23, 2023 (Item No. 65), the Board of Directors (Board) approved a Memorandum of Agreement (MOA) template that would allow SBCFPD to enter into an MOA with public fire agencies within San Bernardino County that provide urban search and rescue services and want to become a participating agency and collaborator in the RTF-6, which will provide a more robust response to large local incidents. RTF-6 can be requested by local governments, CalOES or FEMA. Reimbursement for mutual aid may be provided pursuant to a governor's disaster proclamation or when conditions warrant invoking the Agreement for Local Government Fire and Emergency Assistance to the State of California and Federal Fire Agencies.

The MOA template approved on July 23, 2023, was later presented to the City of Ontario and City of Rancho Cucamonga (Cities) for execution. Upon further review, the Cities recommended some edits to the MOA template. SBCFPD reviewed and worked with the Cities on an updated MOA template that is acceptable to SBCFPD and the Cities. The updates to the MOA template include a new provision regarding availability of resources from participating agencies, an updated provision regarding disciplinary actions, updates to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health (HITECH) Act provision.

The MOA template includes terms different from the standard County contract and omits certain County standard contract terms. The non-standard missing terms include the following:

1. A revised indemnification provision where SBCFPD and the participating agencies agree to indemnify, defend, and hold each other harmless for any claims, losses, etc. arising from their own performance under the MOA, except to the extent that such liability is caused by the negligence, gross negligence, or willful misconduct of the other parties.
 - The SBCFPD standard contract general indemnity provision requires the contractor to indemnify, defend, and hold SBCFPD harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: SBCFPD shall be responsible to indemnify, defend, and hold participating agencies harmless for any claims, losses, etc. arising from SBCFPD's performance under the MOA.

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SBCFPD recommends approval of the MOA, including the non-standard term, as the reciprocal indemnity provision will only be between public fire agencies that sign the MOA. Also, the MOAs will be mutually beneficial because they will allow task force resources to cross jurisdictional boundaries and will provide participating agencies access to additional specialists in urban search and rescue during emergency and disaster events.

SBCFPD has not executed the previously approved MOA template with any agency, pending approval of the updated MOA template from the Board.

The MOA may be terminated by either party upon 30 days written notice, except that a local agency may not terminate the MOA without the written consent of SBCFPD during any time interval when RTF-6 has been placed on alert status or has been activated, if the alert or activation affects residents of the local agency.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Principal Assistant County Counsel, 387-5455) on May 17, 2024; Risk Management (Victor Tordesillas, Deputy Executive Officer, 386-8621) on May 17, 2024; Finance (Ivan Ramirez, Administrative Analyst, 387-4020) on May 20, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on May 21, 2024.

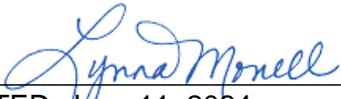
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Record of Action of the Board of Directors
San Bernardino County Fire Protection District

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, SECRETARY

BY 
DATED: June 11, 2024



cc: File - San Bernardino County Fire Protection District w/
attachment

JLL 06/13/2024