

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

April 9, 2024

FROM

JEANY ZEPEDA, Director, Children and Family Services

SUBJECT

Non-Financial Student Internship Agreement with University of Kentucky

RECOMMENDATION(S)

Approve non-financial **Agreement No. 24-310** with the University of Kentucky, including non-standard terms, for student interns to receive supervised social work field experience for the one-year contract of April 9, 2024 through April 8, 2025.

(Presenter: Jeany Zepeda, Director, 387-2792)

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

The recommended Agreement is non-financial; therefore, it does not impact Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

The recommended non-financial Agreement with University of Kentucky (UKY) will provide opportunities for students to receive supervised field experience within Children and Family Services (CFS) in preparation for professional social work practice. Through this Agreement, CFS will provide learning experiences that will help students receive the skills they need to prosper in the 21st century, which aligns with the San Bernardino Countywide Vision2Succeed initiative. Field experience provides opportunities for students to apply and integrate the knowledge, theories, and concepts of social work practice learned throughout their social work curriculum. Field experience is an essential element of UKY's educational process for professional social work practice.

Under this recommended Agreement, CFS will work with UKY to provide support to students as they engage in field experience. Integration of classroom learning with agency-based practice allows social work students to observe and participate in CFS programs and activities to gain understanding about the benefits and challenges of the organization and its diverse client populations. CFS will designate a qualified individual (Field Instructor) to coordinate each student's learning experience and supervise him or her throughout the program. The Field Instructor will use this program as an opportunity to lead students to a personal understanding of the responsibilities and rewards of professional social work practice.

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The internship Agreement with UKY is an internship agreement and includes terms that differ from the standard County contract and omits certain County standard contract terms. While the parties negotiated certain contract terms to County standards, UKY would not agree to all County standard terms. The non-standard and missing terms include the following:

1. The Agreement is silent on governing law.
 - The County standard contract requires California governing law.
 - Potential Impact: Having no specified governing law in the Agreement results in uncertainty over which state's laws will govern the interpretation of the Agreement and leads to ambiguity in interpretation of the Agreement terms. UKY is a public entity based in Kentucky. The Agreement could be interpreted under any state law depending on where the claim is brought, including Kentucky or California. Any questions, issues or claims arising under this Agreement could require the County to hire outside counsel competent to advise on the applicable state law, which may result in fees that exceed the total Agreement amount.
2. There is no stated venue in the Agreement.
 - County Policy 11-05 requires venue for disputes in Superior Court of California, San Bernardino County, San Bernardino District.
 - Potential Impact: UKY is located in Fayette County, Kentucky. Having no express venue in the Agreement means that Fayette County, Kentucky venue could be applied to disputes arising under this Agreement, which may result in additional expenses that exceed the amount of the Agreement.
3. The Agreement does not include certain standard County insurance requirements, including the waiver of subrogation.
 - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
 - Potential Impact: No waiver of subrogation may allow UKY's insurer to sue the County, which could result in expenses that exceed the total Agreement amount.
4. The Agreement does not require UKY to indemnify the County, as required by County Policies 11-05 and 11-07.
 - The County standard contract indemnity provision requires the contractor to indemnify, defend, and hold County harmless from third party claims arising out of the acts, errors, or omissions of any person.
 - Potential Impact: UKY is not required to defend, indemnify, or hold the County harmless from any claims, including indemnification for claims arising from UKY's negligent or intentional acts. If the County is sued for any claim arising under the Agreement, the County may be solely liable for the costs of defense and damages, which could exceed the total Agreement amount. County Counsel cannot advise on whether and to what extent Kentucky law may allow the County to require UKY to defend or indemnify it absent an express provision in the Agreement.

CFS recommends approval of the Agreement with UKY, including the non-standard terms, to provide opportunities for students to receive supervised field experience within CFS in preparation for professional social work practice and to provide learning experiences that will help students prosper in the 21st century, aligning with the Countywide Vision2Succeed initiative.

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PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on February 1, 2024; County Counsel (Kaleigh Ragon, Deputy County Counsel, 387-5455) on March 11, 2024; Risk Management (Victor Tordesillas, Deputy Executive Officer, 386-8621) on March 12, 2024; Finance (John Hallen, Administrative Analyst, 386-8392) on March 22, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on March 25, 2024.

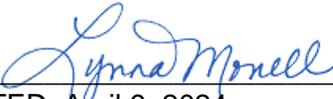
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: April 9, 2024



cc: CFS - Bussard w/agree
Contractor - c/o CFS w/agree
File - w/agree
CCM 04/12/2024