

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

January 14, 2025

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Agreement with Marine Corps Community Services for Advertising Services

RECOMMENDATION(S)

Approve **Agreement No. 25-10** with Marine Corps Community Services, including non-standard terms, for the provision of advertising services, for the period of February 1, 2025 to July 31, 2025, in an amount not to exceed \$15,000.

(Presenter: Kelly Welty, Chief Deputy Director, 387-3760)

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 this item will not result in the use of additional Discretionary General Funding (Net County Cost). The one time expense of the advertising services in an amount not to exceed \$15,000 will be funded within the Sheriff/Coroner/Public Administrator's (Department) existing 2024-25 budget (4430001000).

BACKGROUND INFORMATION

The Department's Employee Resources Division (ERD) provides the Department with state-wide recruitment services. ERD is tasked with soliciting potential candidates by participating in local job fairs, safety fairs, and career days, and using advertising services including, but not limited to, digital and radio advertising, working with local sports teams, and static display ads for malls, campuses, and military bases.

The recommended Agreement with Marine Corps Community Services (MCCS) would provide the Department with recruitment advertising for a period of six months, on an MCCS owned and operated marquee located at the Marine Corps Base Camp Pendleton (Camp Pendleton), which will be visible to an estimated seven million military service personnel per year. The marquee is located in an area with a highly desirable applicant pool and very limited exposure to Department career opportunities.

The recommended Agreement with MCCS includes terms that differ from the standard County contract terms. The non-standard terms are as follows:

1. The Agreement is silent on governing law.
 - The County standard contract requires California governing law.

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- 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. MCCS is a program falling under the United States Department of Defense, which is based in Virginia. The Agreement could be interpreted under any state law depending on where the claim is brought, including Virginia 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. The Agreement does not require MCCS 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 the County harmless from third party claims arising out of the acts, errors, or omissions of any person.
 - Potential Impact: MCCS is not required to defend, indemnify, or hold the County harmless from any claims, including indemnification for claims arising from MCCS's negligent or intentional acts and intellectual property infringement. If the County is sued for any claim, the County may be solely liable for the costs of defense and damages, which could exceed the total Agreement amount.
 3. The Agreement does not require MCCS to meet the County's insurance standards as required pursuant to County Policies, 11-05, 11-07 and 11-07SP.
 - County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
 - Potential Impact: The County has no assurance that MCCS will be financially responsible for claims that may arise under the Agreement, which could result in expenses to the County that exceed the total Agreement amount.
 4. The Agreement requires immediate payment terms in the form of an e-check or credit card payment.
 - County standard payment terms are Net 60 days with no interest or late payment penalties.
 - Potential Impact: Failing to pay MCCS may result in a material breach of the Agreement, which could allow MCCS to terminate the Agreement and seek other legal remedies, which could exceed the Agreement amount.

While these are notable exceptions to the County standard contract language, the Department recommends approval of the Agreement with MCCS, including the non-standard terms, for the provision of advertising services to assist with recruitment efforts.

PROCUREMENT

MCCS owns and operates advertisement marquees located at Camp Pendleton and holds proprietary rights to advertising services for these spaces. There is no other provider that can offer services for this location.

REVIEW BY OTHERS

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This item has been reviewed by County Counsel (Grace B. Parsons, Deputy County Counsel, 387-5455) on November 18, 2024; Purchasing (Jason Cloninger, Lead Buyer, 387-0321) on November 15, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst, 396-9008) on November 18, 2024; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on December 23, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 23, 2024.

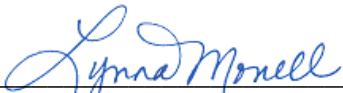
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Record of Action of the Board of Supervisors
San Bernardino County

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: January 14, 2025



cc: Sheriff - Welty w/agree for sign
Contractor - c/o Sheriff w/agree
File - w/agree
MBA 01/15/2025