

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

April 26, 2022

**FROM**

**LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office**

**SUBJECT**

Board of Supervisors Discretionary Fund – District Specific Priorities Program

**RECOMMENDATION(S)**

1. Approve **Contract No. 22-296** with the City of Chino Hills to purchase equipment to support recreation and educational needs, for a total of \$700,000 for the period April 26, 2022 through December 31, 2023.
2. Approve **Contract No. 22-297** with City of Upland to support programs that provide technology infrastructure and modernization services, and purchase of law enforcement equipment for a not-to-exceed total of \$357,288 for the period of April 26, 2022 through December 31, 2022.
3. Approve **Contract No. 22-298** with Chino Valley Independent Fire District to assist with the purchase of a fire apparatus to respond to aircraft incidents for a not-to-exceed total of \$287,013 for the period of March 29, 2022 through December 31, 2022.
4. Approve **Contract No. 22-299** with Chaffey College to assist with programs that provide support for students in need of financial help for a not-to-exceed total of \$50,000 for the period of April 26, 2022 through April 25, 2023.

(Presenter: Leonard X. Hernandez, Chief Executive Officer, 387-4811)

**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**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). On September 21, 2021 (Item No. 18) and November 16, 2021 (Item No. 33), the Board of Supervisors (Board) approved an allocation of \$4 million and \$7 million, respectively, to the Board Discretionary Fund - District Specific Priorities Program (Priorities Program), for each of the five supervisorial districts for projects that meet a public purpose, and provide services to citizens that promote health, safety, economic well-being, and other public services that enhance quality of life and meet the needs of County residents. On an annual basis, unspent appropriations for discretionary funding will be carried over into the subsequent year's budget. The recommended contracts under Recommendation Nos. 1-3 will be funded by the Fourth District's Priorities Program budget, while the contract under Recommendation No. 4 will be funded by the Second District's Priorities Program budget.

**Board of Supervisors Discretionary Fund - District Specific Priorities  
Program  
April 26, 2022**

**BACKGROUND INFORMATION**

Priorities Program projects help to promote the vision of a complete County by recognizing the unique traits of each Supervisorial District and, thereby, allow individual Board Districts to work with community partners through County services and contractual agreements to identify programs, projects, and initiatives that support the vision, meet a public purpose and provide services to residents that promote health, safety, economic well-being, education, recreation, and other public services that enhance quality of life, and meet the needs of the County's residents. Projects under the District Specific Priorities Program are based on District Supervisor discretion and are presented by the Chief Executive Officer (CEO) for Board approval.

The recommended contracts under Recommendation Nos. 1-3 will assist the Fourth District Supervisor with the public purpose of providing for the public health, public safety, social service, and educational needs of County residents, as well as pursuing County goals and objectives by working with other agencies and stakeholders. The recommended contract with the City of Chino Hills will provide funding for recreation and educational needs via a splash pad that would allow children to engage in physical activity and provide a resource for residents to cool off during the hot summer months, providing for the replacement of a mobile performing vehicle that would allow the community to have infrastructure support for community events and performing arts, and a recreational vehicle that allows for the provision of a supervised after-school environment for young children. The recommended contract with the City of Upland will provide technology infrastructure and modernization via cloud migration services for its financial server to allow for uninterrupted bill pay and permit application, a backup generator for the City Hall and Police Department datacenter and for the purchase of law enforcement equipment such as drones for emergency police response, and a high-definition scanner for traffic collision and crime scene investigations. The recommended contract with the Chino Valley Independent Fire District (Fire District) will assist with the purchase of a fire apparatus vehicle to support response to aircraft incidents. Due to the timing for approval by the Fire District, this contract is being presented with a start date of March 29, 2022. The recommended Contract with Chaffey College will assist the Second District Supervisor in providing for the education and social needs of County residents by providing supplies and services to students in need of financial support.

Under the contract terms the CEO, at the direction of the Supervisor of the respective district that the contract serves, may extend the term of the contract, in writing, under the following conditions:

- a. In aggregate all extensions do not exceed 12 calendar months;
- b. Is specifically requested by Contractor;
- c. Will not change the project goals or scope of services;
- d. Is in the best interest of County and Contractor in performing the scope of services under the contract; and
- e. Does not alter the amount of compensation under the contract.

The contract with the Fire District includes terms that differ from the standard County contract. The non-standard language is the following:

1. The Fire District limits its indemnification obligations to claims arising from the misrepresentation, willful negligence or misconduct of the Fire District.
  - The County standard contract indemnity provision requires a contractor to indemnify, defend, and hold the County harmless from all claims arising out of the contract, except as to the County's sole negligence or willful misconduct.

**Board of Supervisors Discretionary Fund - District Specific Priorities Program**  
**April 26, 2022**

- Potential Impact: The limited indemnification obligation means any claim that is not within these limited conditions is excluded from the Fire District's indemnification obligations.
2. The Fire District and County each have the right to terminate the Contract, for any reason, with a thirty (30) day written notice of termination, however, the County's right to termination for convenience ends when the Fire District has entered into a binding and noncancelable agreement to purchase the fire apparatus vehicle.
- The County standard contract gives the County the right to terminate the contract, for any reason, with a thirty day written notice of termination.
  - Potential Impact: The County can only terminate the contract for convenience up until the time the Fire District has entered into a binding and noncancelable agreement to purchase the fire apparatus vehicle. The County continues to have the ability to terminate the contract for cause.

Board discretionary funding allocations under the Priorities Program are non-competitive and must be for projects or services of \$50,000 or more. Contracts shall be paid on a lump-sum basis or under other terms as approved by the Board.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on April 13, 2022; Finance (Sofia Almeida, Administrative Analyst, 387-4378) on April 13, 2022; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on April 13, 2022.

**Board of Supervisors Discretionary Fund - District Specific Priorities  
Program  
April 26, 2022**

Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: April 26, 2022



cc: BOS - Almeida w/agrees  
Contractor - C/O BOS w/agree  
File - w/agree  
CCM 05/2/2022