

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

March 26, 2024

**FROM**

**LUTHER SNOKE, Chief Executive Officer, County Administrative Office**

**SUBJECT**

Board of Supervisors Discretionary Fund – District Specific Priorities Program

**RECOMMENDATION(S)**

1. Find it is in the best interest of the County to waive the requirement in Policy 05-10 for government agencies to make a financial matching contribution of at least 25% of the proposed project, program and/or initiative cost for Recommendation No. 2.
  2. Approve Contract with the City of Ontario, including non-standard terms, to provide funding towards educational resources and programs throughout the city to support at-risk youth, in an amount not-to-exceed \$200,000, for the period of March 26, 2024, through March 25, 2025.
  - ~~3. Approve Contract with DesertArc to contribute funding for facility improvement costs, in an amount not to exceed \$50,000, for the period of March 26, 2024, through March 25, 2025.~~
- (Presenter: Luther Snoke, Chief Executive Officer, 387-4811)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Promote the Countywide Vision.**

**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), November 16, 2021 (Item No. 33), and February 6, 2024 (Item No. 61), the Board of Supervisors (Board) approved an allocation of \$4 million, \$7 million, and \$6 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. Recommendation No. 2 will be funded by the Fourth District's Priorities Program budget. ~~Recommendation No. 3 will be funded by the Third District's Priorities Program budget.~~

**BACKGROUND INFORMATION**

Priorities Program projects help 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.

On February 6, 2024 (Item No. 61), the Board approved the amended County Policy 05-10 on Board Discretionary Funding Allocations. The contract terms of Recommendation No. 2 were negotiated prior to the approval of the amended Policy 05-10. Recommendation No. 1 finds it is in the best interest of the County to waive Policy 05-10 requiring government agencies to make a financial matching contribution of at least 25% of the proposed project, program and/or initiative cost for Recommendation No. 2.

Recommendation No. 1 assists the Fourth District Supervisor with meeting the educational, health, safety and social service needs of county residents by providing supplemental funding towards existing educational resources and programs throughout the City of Ontario (Ontario) to support at-risk youth. At-risk youth will be served through educational resources, outreach, mentorship, and recreational activities to provide a safe and supportive environment to help them excel in school.

The contract with Ontario includes mutual indemnification which differs from the standard County contract.

1. The County and Ontario mutually indemnify and agree to defend each other for claims arising out of the contract.
  - The County standard contract does not include any indemnification or defense by the County of a contractor.
  - Potential Impact: By agreeing to indemnify Ontario, the County could be responsible to defend and reimburse Ontario for costs, expenses and damages arising from the contract. However, because this is mutual indemnification Ontario is agreeing to defend and indemnify the County for costs, expenses and damages arising from the contract.

~~The DesertArc is a nonprofit human social services organization that operates in both Riverside and San Bernardino counties providing services to people with intellectual and developmental disabilities. Recommendation No. 3 assists the Third District Supervisor with meeting the safety and social service needs of county residents by providing funding to contribute towards minor facility improvement costs of DesertArc.~~

Under the Board Discretionary Fund Priorities Program contract terms, the CEO, at the direction of the ~~identified Fourth~~ District Supervisor, 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 the contractor;
- c. Will not change the project goals or scope of services;
- d. Is in the best interest of the County and contractor in performing the scope of services under the contract; and
- e. Does not alter the amount of compensation under the contract.

Board discretionary funding allocations under the Priorities Program with community partners that include non-profit organizations, government entities, or educational institutions are non-competitive and must be for projects or services of \$50,000 or more as described in County Policy 05-10. Contracts shall be paid on a lump-sum basis or under other terms as approved by the Board.

## **PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on March 13, 2024; Finance (Stephanie Maldonado, Administrative Analyst, 387-4348) on March 13, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on March 15, 2024.