

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

July 23, 2024

**FROM**

**SHANNON D. DICUS, Sheriff/Coroner/Public Administrator**

**SUBJECT**

Revenue Agreement with the California Department of Forestry and Fire Protection

**RECOMMENDATION(S)**

Approve **Lease Agreement No. 24-647** for the Intermittent Use of Aircraft with the California Department of Forestry and Fire Protection, establishing the helicopter requirements for the Sheriff/Coroner/Public Administrator Aviation Division's participation in the Call-When-Needed Helicopter Program and for the reimbursement of costs related to providing fire suppression services, based on rates established in the County Fee Ordinance, for the period beginning upon full execution of the Agreement through June 30, 2025.

(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.**

**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 Discretionary General Funding (Net County Cost). The Lease Agreement for the Intermittent Use of Aircraft (Agreement) provides for reimbursement of equipment and personnel costs incurred in the performance of State-requested helicopter firefighting services. The hourly reimbursement rates listed below are established in the County Fee Ordinance (County Code, § 16.0226, subd. (k)). Actual revenue will be based upon the level of service provided. Sufficient appropriation and revenue are included in the Sheriff/Coroner/Public Administrator's (Department) 2024-25 budget.

<b>Aircraft Model</b>	<b>2024-25 Hourly Rate</b>
Helicopter UH-1H	\$3,213
Helicopter B-212	\$3,302
Helicopter Airbus H125	\$1,983

**BACKGROUND INFORMATION**

The California Department of Forestry and Fire Protection (Cal Fire) Call-When-Needed Helicopter (CWN) Program enables Cal Fire to utilize a variety of aviation entities to provide helicopter-related fire suppression services on an as-needed basis. The Department is requesting authorization to participate in this program to enable the Department to obtain reimbursement for helicopter-related firefighting activities requested by Cal Fire. The firefighting activities include providing a helicopter equipped with water dropping device(s) and a flight

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crew, if available upon request. The services, when provided, are performed on an overtime basis and do not impact regular patrol and/or search and rescue functions.

The Agreement outlines the specifications for aircraft, equipment, and personnel providing services under the CWN Program. The Agreement also outlines how services will be ordered by Cal Fire, operational procedures between the parties, and the process for applying for reimbursement. The CWN Program requires execution of the State's standard terms and conditions that detail general contracting requirements. The County is required to submit the Agreement which details the Department's aircraft specifications and hourly rates for reimbursement as established in the County Fee Ordinance approved by the Board of Supervisors (Board) on April 9, 2024 (Item No. 59). The Agreement includes non-standard terms and conditions that differ from the County's standard contract language, as follows:

1. The State requires the County to indemnify it in relation to activities related to the Agreement.
  - The Contractor is required to indemnify the County, in accordance with County Policy 11-07.
  - Potential Impact: The County would have to indemnify the State in the event it is sued due to County activities undertaken in the performance of the Agreement. The Department believes the public benefit in assisting in the firefighting activities outweighs any potential risk.
  
2. The State can terminate the Agreement with 30 days' notice while the County must request and obtain permission to terminate the Agreement prior to its expiration.
  - The County reserves the right to terminate a contract for convenience with 30 days' notice, in accordance with County Policy 11-05.
  - Potential Impact: The Department could be required to respond to a fire even if there is a dispute due to the State's refusal to allow the County to terminate the Agreement prior to the Agreement's one-year term expiring. The Department believes the public benefit in assisting in firefighting activities outweighs the risk associated with the County's ability to terminate the Agreement with 30 days' notice.
  
3. The State requires the County to provide insurance that covers the State in relation to activities under the Agreement.
  - County policy requires service and product providers to carry appropriate insurance limits and under conditions determined by the County's Risk Management Department, as listed in County Policy 11-07.
  - Potential Impact: The County will be financially responsible for all claims that arise under the Agreement, which could result in expenses to the County that exceed the revenue earned from the Agreement in relation to activities involving its aircraft related to fire fighting.

While the State's terms and conditions are exceptions to the County's standard contract language, approval by the Board is necessary for the Department to provide the services when requested by the State for the safety and health of County residents. County Counsel and the Risk Management Department have reviewed the non-standard language and provided input. The Department believes the public benefit in assisting in firefighting activities outweighs the risks associated with the activities.

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**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Grace B. Parsons, Deputy County Counsel, 387-5455) on July 15, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst, 396-9008) on July 16, 2024; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on July 17, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on July 17, 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.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.  
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY

  
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DATED: July 23, 2024



cc:     Sheriff - Welty w/agree for sign  
          Contractor - c/o Sheriff w/agree  
          File - w/agree

CCM 07/23/2024