

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

August 22, 2023

FROM

**DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District
LUTHER SNOKE, Chief Operating Officer, County Administrative Office**

SUBJECT

Tolling Agreement with Fontana Fire Protection District for Fire Protection Related Pension Costs

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District, approve Tolling **Agreement No. 23-885** with the Fontana Fire Protection District, where the time period of October 1, 2022, until June 30, 2024, shall be excluded from, and not be counted in, the computation of time for the purposes of any time-based limitations or defenses arising out of or in connection with a dispute over certain pension costs that are payable by the Fontana Fire Protection District to the San Bernardino County Fire Protection District, pursuant to Revenue Agreement No. 18-354.

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-5779)

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 the tolling agreement will not result in the use of Discretionary General Funding (Net County Cost) as this is a non-financial agreement.

BACKGROUND INFORMATION

On June 26, 2018 (Item No. 80), the Board of Directors (Board) approved Revenue Agreement No. 18-354 (Agreement), allowing the San Bernardino County Fire Protection District (SBCFPD) to provide fire protection and emergency medical services to the Fontana Fire Protection District (District) for a term of 20 years, ending on June 30, 2038.

A dispute has arisen between the District and SBCFPD with regards to certain pension costs, which are included in the calculation of the annual compensation that is payable by the District to SBCFPD, pursuant to the Agreement. The District and SBCFPD desire to enter into the Tolling Agreement in order to avoid any interruption in performance under the Agreement and defer or avoid litigation at this time regarding any and all petitions, rights, causes of action, counter claims, cross claims, claims and defenses, if any, arising from or in connection with this dispute between the parties pursuant to the terms of the Agreement.

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The Tolling Agreement is a contract between the District and SBCFPD that will suspend the time the parties would have to bring an action against each other regarding the dispute pursuant to the terms of the Agreement. More specifically, pursuant to the terms of the Tolling Agreement, the time period from October 1, 2022, until June 30, 2024, shall be excluded from, and not be counted in, the computation of time for any statute of limitations, time to sue provisions, or any other time-based limitations or defenses that might be asserted as a bar, limitation, or defense to any suit, action, cause of action, or claim by District against SBCFPD, or by SBCFPD against District, arising out of or in connection with the dispute.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Principal Assistant County Counsel, 387-5455) on August 10, 2023; Finance (Tom Forster, Administrative Analyst, 387-4635) on July 18, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on July 18, 2023.

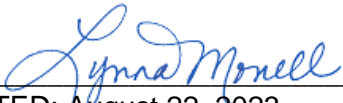
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Record of Action of the Board of Directors
San Bernardino County Fire Protection District

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, SECRETARY

BY 
DATED: August 22, 2023



cc: SBCFPD - Munsey w/ agree
Contractor c/o SBCFPD w/ agree
File w/ agree
JLL 08/25/2023