

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

February 25, 2025

**FROM**

**JOSHUA DUGAS, Director, Department of Public Health**

**SUBJECT**

Joint Exercise of Powers Agreement with the Cities of Ontario and Chino for the Animal Resource Center of the Inland Empire

**RECOMMENDATION(S)**

1. Approve the Joint Exercise of Powers **Agreement No. 25-121** with the cities of Ontario and Chino, for membership in the Animal Resource Center of the Inland Empire, which will provide both animal control and sheltering services, effective upon execution until withdrawal by the County or terminated jointly by all member cities.
2. Appoint Fourth District Supervisor Curt Hagman, as the Director, and Second District Supervisor Jesse Armendarez, as the alternate Director to serve on the Animal Resource Center of the Inland Empire's Board of Directors.
3. Authorize the Chair of the Board of Supervisors, Chief Executive Officer, or Director or alternate Director of the Board of Directors for the Animal Resource Center of the Inland Empire to execute all documents required to carry out the terms of the Joint Exercise of Powers Agreement on behalf of the County, subject to review by County Counsel.

(Presenter: Joshua Dugas, Director, 387-9146)

**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**

This item will result in additional Discretionary General Funding (Net County Cost). The Department of Public Health (DPH) will fund \$208,494 (4% of the overall \$5,212,366 Joint Exercise of Powers Agreement (JPA) operating budget), to support startup costs of the Animal Resource Center of the Inland Empire (Resource Center) which is currently included in DPH's 2024-25 budget. The recommended JPA requires the County to be responsible for the estimated annual costs for subsequent years, which are anticipated to be slightly higher than the initial amount funded by DPH. In addition, the County will contribute \$1,600,000 to \$2,000,000 (4% of the estimated \$40,000,000 to \$50,000,000 construction cost) to complete the required capital improvement projects to build the animal shelter facilities. DPH will return to the Board of Supervisors (Board) to request additional funding to pay for the County's share of the ongoing JPA membership and construction costs, if and when needed.

Future personnel and operating costs will be determined based on the total number of cities that join the Resource Center JPA. Costs indicated in this item may fluctuate based on increases in construction expenses and additional participating cities. Adequate appropriation and revenue

**Joint Exercise of Powers Agreement with the Cities of Ontario and Chino for the Animal Resource Center of the Inland Empire  
February 25, 2025**

have been included in DPH's 2024-25 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

Over the past several months, various west end cities, including Ontario and Chino, have been working to develop a JPA to establish the Resource Center. The aim of the Resource Center is to deliver cost-effective animal control and shelter services and improved customer service for the community and partnering agencies. Currently, these cities, and formerly the County, contract with the Inland Valley Humane Society (IVHS) for these services. Due to the significantly increased costs presented by IVHS for continuation of its services, the participating cities have created the recommended JPA for alternative animal care and sheltering services within the community.

The Department of Public Health's Animal Care Division is recommending that the County join the Resource Center and execute the JPA as a member entity to ensure the most cost-effective and appropriate provision of animal care services to county residents. If the County joins the Resource Center by July 1, 2025, the County would secure ownership rights to the animal shelter facility, representing approximately four percent of the service area. The cities of Ontario and Chino have already committed and executed the JPA, and other cities including the City of Montclair are contemplating joining.

The Resource Center is currently finalizing the purchase of a 10.62-acre property in Ontario for the permanent animal care and shelter facility. However, due to the capital improvement project for construction required to develop this shelter, it will be several years before the facility will be operational. During the design and development phase of this project, a temporary animal care and shelter facility in Ontario is currently in development and anticipated to be operational for provision of animal care services by July 1, 2025.

On December 5, 2024, the Resource Center Board unanimously approved a resolution to admit the County into the JPA as a member agency, with the City of Ontario and Chino Council approving on January 21, 2025. The JPA requires the appointment of a Director and an alternate to serve as members of the Resource Center Board of Directors. Per the JPA, the Director must also be a member of the member agency's governing body. DPH recommends Fourth District Supervisor Curt Hagman to serve as the Director and Second District Supervisor Jesse Armendarez as the alternate Director, as their districts include areas served by the Resource Center.

The JPA includes terms that differ from the standard County contract. Per County Policy 11-05, contracts containing non-standard terms of a certain monetary threshold must be approved by the Board of Supervisors (Board). The non-standard and missing terms include the following:

1. Attorneys' fees recoverable: The prevailing party is entitled to recover attorneys' fees and costs.
  - The County standard contract requires each party to bear its own costs and attorney fees, regardless of who is the prevailing party.
  - Potential Impact: If either party institutes any legal proceedings related to the JPA, the prevailing party will be entitled to recover reasonable attorneys' fees.

**Joint Exercise of Powers Agreement with the Cities of Ontario and Chino for the Animal Resource Center of the Inland Empire  
February 25, 2025**

2. While the JPA permits the County to withdraw as a member, it requires that notice be provided by June 30 of that fiscal year, and then still requires the County to pay its fiscal obligations for the entire following fiscal year.
  - The County standard contract gives the County the right to terminate the contract, for any reason, with a 30-day written notice of termination without any obligation other than to pay amounts for services rendered and expenses reasonably incurred prior to the effective date of termination.
  - Potential Impact: The County could withdrawal but must do so by June 30 of that year and would still need to pay all financial obligations for the following year.
  
3. The JPA requires the County to defend, indemnify, and hold harmless the Resource Center, the Directors, other member agencies and their respective governing body members, agents, and employees.
  - The County standard contract indemnity provision requires the other contracting party to indemnify, defend, and hold County harmless from third party claims arising out of the acts, errors or omissions of any person.
  - Potential Impact: If a claim arises as a result of the County's negligent or willful misconduct, then County may be required to indemnify, defend the Resource Center and other members.

DPH recommends approval of the JPA with the Resource Center, including the non-standard terms, as joining the JPA will allow the County to continue to provide animal care and shelter services to residents in the unincorporated west end region of the county.

**PROCUREMENT**

Not applicable, as the County can enter into the JPA pursuant to Government Code Section 6500 et seq.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Daniel Pasek, Deputy County Counsel, 387-5455) on February 4, 2025; Risk Management (Greg Ustaszewski, Staff Analyst, 386-9008), on February 3, 2025; Finance (Iliana Rodriguez, Administrative Analyst, 387-4205) on February 10, 2025; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on February 10, 2025.

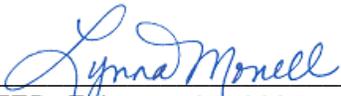
**Joint Exercise of Powers Agreement with the Cities of Ontario and  
Chino for the Animal Resource Center of the Inland Empire  
February 25, 2025**

Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: February 25, 2025

cc:   DPH - Padilla w/agree  
      Contractor - c/o DPH w/agree  
      File - w/agree BAI only  
      File - JPA/Animal Resource Center of the Inland Empire  
MBA  02/25/2025