

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

September 26, 2023

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Revenue Agreement with the State of California, Department of Parks and Recreation

RECOMMENDATION(S)

1. Approve **Revenue Agreement 23-1024** with the State of California, Department of Parks and Recreation, Division of Boating and Waterways (Standard Agreement No. C23706000), in an amount not to exceed \$231,600, for the period of October 1, 2023 through September 30, 2025, for the Sheriff/Coroner/Public Administrator to provide training related to boating safety and boating law enforcement for peace officers and other first responders.
2. Authorize the Auditor-Controller/Treasurer/Tax Collector to post adjustments to the Sheriff/Coroner/Public Administrator's 2023-24 budget, as detailed in the Financial Impact section (Four votes required).

(Presenter: Ernie Perez, Deputy Chief, 387-3760)

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 not result in the use of additional Discretionary General Funding (Net County Cost). This agreement provides revenue in an amount not to exceed \$231,600, for the two-year period of October 1, 2023 through September 30, 2025, to offset the Sheriff/Coroner/Public Administrator's (Department) cost of providing boating safety and boating law enforcement training for peace officers and other first responders. The agreement with the State of California, Department of Parks and Recreation, Division of Boating and Waterways (DBW) specifically provides for reimbursement of expenses necessary to provide the training. The Department is recognizing year one of the award, in the amount of \$115,800. The remaining \$115,800 will be included in the 2024-25 recommended budget.

Fund Center	Commitment Item	Description	Action	Amount
4438001000	40509094	Federal-Grants	Increase	\$115,800
4438001000	51001010	Regular Salary	Increase	\$95,300
4438001000	52002135	Special Department Expense	Increase	\$3,600
4438001000	52942942	Hotel – Non-Taxable	Increase	\$16,900

BACKGROUND INFORMATION

Revenue Agreement with the State of California, Department of Parks and Recreation
September 26, 2023

On February 7, 2012 (Item No. 37) the Board of Supervisors (Board) approved Agreement No. 12-63 with DBW to provide for reimbursement of the cost for two sessions of boating safety and boating law enforcement training for peace officers. Since then, the Board has approved various agreements with DBW, with the latest approved on October 5, 2021 (Item No. 51; Agreement No. 21-745), to continue and expand the training for Department officers and other first responders throughout the State, and to accommodate all levels of boating skills. Training classes will include Inland Boat Operator, Boating Under the Influence, and Boating Accident Investigation. Training will be provided by Department staff assigned to the Colorado River Station.

On August 2, 2023, the Department received notification of Standard Agreement No.C23706000. The agreement includes non-standard terms and conditions that differ from the County's standard contract language as follows:

1. The State's Standard Agreement requires the County to indemnify the State.
 - The County standard contract requires the contractor to indemnify and hold harmless the County in accordance with County Policy 11-07.
 - Potential Impact: The County could potentially have to indemnify the State in the event it is sued due to County activities related to the agreement.
2. The State can terminate the agreement with 30 days' notice while the County must request and obtain permission to terminate the agreement.
 - The County standard contract reserves the right to terminate the contract for convenience with 30 days' notice.
 - Potential Impact: The Department has trainings scheduled for boating safety and boating law enforcement for peace officers and other first responders that have to be done even if there is a dispute because the State refuses to allow the County to terminate the agreement.

While the State's terms and conditions are exceptions to the County's standard contract language, approval by the Board of those documents 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 Risk Management have reviewed the non-standard language and provided input. The State requires the County to sign the agreement first and send it to the State for execution.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on August 28, 2023; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, Auditor-Controller Manager, 382-7022) on August 28, 2023; Risk Management (Victor Tordesillas, Director, 386-8623) on August 28, 2023; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on September 11, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on September 11, 2023.

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and Recreation
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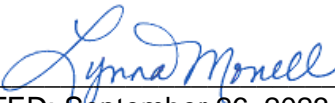
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Jesse Armendarez

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 26, 2023



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

CCM 09/28/2023