

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

**September 26, 2023**

**FROM**

**DIANE RUNDLES, Assistant Executive Officer, Human Resources Department**

**SUBJECT**

Facility Use Agreement with Yucaipa Valley Acres, LLC for the Use of The Pavilion at Chapman Ranch

**RECOMMENDATION(S)**

Approve the facility use **Agreement No. 23-1068** with Yucaipa Valley Acres, LLC, including non-standard terms, for the use of The Pavilion at Chapman Ranch, for the estimated cost of \$15,012, for the annual one-day Department Head Leadership Training on October 19, 2023. (Presenter: Diane Rundles, Assistant Executive Officer, 387-5570)

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

**Improve County Government Operations.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Sufficient appropriation for the \$15,012 cost of the facility use agreement (agreement) is included in the Human Resources Department's (Department) 2023-24 budget.

**BACKGROUND INFORMATION**

The Department is committed to providing effective customer service to all departments, employees, and residents of San Bernardino County (County) through the timely delivery of innovative, quality human resources systems, programs, and services. This includes the coordination of countywide training events for the County's workforce, to ensure optimal performance and alignment with organizational goals.

Each year, the Department, in collaboration with the Performance and Education Resource Center (PERC), hosts a Leadership Training. This year's event will take place at The Pavilion at Chapman Ranch. Yucaipa Valley Acres, LLC (Vendor) will provide the facilities, equipment, staffing, as well as refreshments and meals. Estimated costs will be finalized after all venue selections have been completed, which cannot occur until after the approval of the agreement.

The Vendor would not agree to all of the County standard terms. The non-standard and missing terms include the following:

1. The facility use agreement may be assigned by the Vendor without the County's approval.
  - The County standard contract terms require County approval of any assignment of the contract.

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- Potential Impact: The Vendor may assign this agreement to a third party or business with which the County is legally prohibited from doing business due to issues of federal disbarment or suspension and conflict of interest, without the County's knowledge. Should this occur, the County would be out of compliance with the law until it becomes aware of the assignment and terminates the agreement.
2. All deposits and payments are non-refundable and if there is a cancellation less than 45 days of the event there is a \$2,500 cancellation fee.
    - The County standard contract term gives the County the right to terminate a 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: There is no termination for convenience without penalty.
  3. The facility use agreement does not contain the standard contract provisions regarding Government Code section 84308 (Senate Bill 1439) and the disclosure of campaign contributions to a member of the Board of Supervisors (Board) or other County elected officer.
    - Under the County standard contract, the contractor states it has disclosed campaign contributions of more than \$250 to any member of the Board or other County elected officer and completed a form providing additional information.
    - Potential Impact: The County may have difficulty gathering information about campaign contributions made by the Vendor.
  4. The facility use agreement gives the Vendor permission to take pictures and use, reuse, publish, and republish those photos in any media and to use the County's name in connection with the use. This provision also releases the photographer of any and all claims or demands that may arise out of or in connection with such use of the photographs.
    - The County standard contract does not give this type of permission to its contractors to take and use photographs.
    - Potential Impact: The Vendor has represented to the Department that it does not intend to take any photographs at the venue of County personnel. However, under the terms of the agreement, the Vendor may take and use the photographs in any media, as well as use the County's name in connection with such use of the photographs.

The Department recommends approval of the facility use agreement with the Vendor, including non-standard terms, because The Pavilion at Chapman Ranch is centrally located and is able to accommodate the County's needs with regard to space, equipment, and technology.

**PROCUREMENT**

The facility use agreement with the Vendor is a non-competitive agreement. The Purchasing Department supports the non-competitive facility use agreement with Yucaipa Valley Acres, LLC due to functional specifications. The Department visited several venues before selecting this location for the event. Only this venue met the event's specifications.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Scott Runyan, Principal Assistant County Counsel 387-5455) on September 15, 2023; Risk Management (Victor Tordesillas, Director,

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Risk Management, 386-8623) on September 15, 2023; Purchasing (Leo Gomez, Purchasing Manager, 387-2063) on September 14, 2023; Finance (Abigail Grant, Administrative Analyst, 387-4603) on September 14, 2023; and County Finance and Administrative (Paloma Hernandez-Baker, Deputy Executive Officer, 387-5423) on September 14, 2023.

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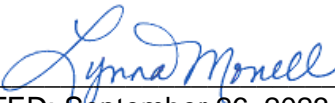
Record of Action of the Board of Supervisors  
San Bernardino County

**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: HR - Rundles w/agree  
File - w/agree

CCM 10/10/2023