

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

June 25, 2024

FROM

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

SUBJECT

Amendment to 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 **Amendment No. 1 to Tolling Agreement No. 23-885**, with the Fontana Fire Protection District, extending the terms for 92 days, through September 30, 2024, where the time period of October 1, 2022 through September 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 Amendment No. 1 (Amendment) to Tolling Agreement No. 23-885 (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.

On August 22, 2023 (Item No. 84), the Board approved the Tolling Agreement, a contract between the District and SBCFPD that suspends the time the parties would have to bring an

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action against each other regarding the dispute pursuant to the terms of the Agreement. The Tolling Agreement expires June 30, 2024.

The District and SBCFPD desire to enter into the Amendment to the Tolling Agreement to extend the terms for 92 days, through September 30, 2024, where the time period of October 1, 2022 through September 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 District to SBCFPD, pursuant to the Agreement.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Principal Assistant County Counsel, 387-5455) on June 20, 2024; Finance (Ivan Ramirez, Administrative Analyst, 387-4020) on June 14, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on June 14, 2024.

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, SECRETARY

BY  _____
DATED: June 25, 2024



cc: SBCFPD - Munsey w/ agree
 Contractor c/o SBCFPD w/ agree
 File w/ agree
JLL 06/28/2024