

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

June 25, 2024

FROM

BEAHTA R. DAVIS, Director, Regional Parks Department

SUBJECT

Grant Agreement with the State of California Department of Parks and Recreation – Division of Boating and Waterways

RECOMMENDATION(S)

1. Approve **Grant Agreement No. 24-542** with the State of California Department of Parks and Recreation, Division of Boating and Waterways, including non-standard terms, for the design and permitting costs as related to the replacement of Lake Gregory's boat launch and facility, in an amount up to \$300,000, from the date signed by the State through February 1, 2044.
2. Authorize the Director of the Regional Parks Department to execute the Grant Agreement, and any subsequent non-substantive amendments, subject to County Counsel review.
3. Direct the Director of the Regional Parks Department to transmit the Grant Agreement, and any subsequent non-substantive amendments, to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Beahta R. Davis, Director, 387-2340)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Pursue County Goals and Objectives by Working with Other agencies and Stakeholders.
Operate in a Fiscally-Responsible and Business-Like Manner.
Provide for the Safety, Health, and Social Service Needs of County Residents.**

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). On January 24, 2023 (Item No. 49), the Board of Supervisors (Board) approved the submission of a grant application for the Boat Launch Facilities Grant Funding for Lake Gregory. This item will allow San Bernardino County (County) to enter into an agreement with the California Department of Parks and Recreation, Division of Boating and Waterways (DBW), for grant funding in an amount up to \$300,000. This agreement does not require matching funds.

BACKGROUND INFORMATION

The DBW accepts grant applications on a continuous basis and currently has \$4,250,000 available grant funding. Applications were accepted for 2023-24 through February 1, 2023, with the intent of the grant program to fund facilities such as boat launching ramps, boarding floats, and associated parking areas, restrooms, and lighting for motorized and non-motorized boaters. The program is aimed at protecting the shared environment and creating healthy and memorable outdoor experiences for experienced and new recreational boat owners.

**Grant Agreement with the State of California Department of Parks and Recreation - Division of Boating and Waterways
June 25, 2024**

This item will approve the agreement in the amount of \$300,000 of the State Harbors and Watercraft Revolving Fund and authorize the Director of the Regional Parks Department (Regional Parks), on behalf of the County, to sign the agreement and any subsequent non-substantive amendments, subject to review by County Counsel.

The project includes designing and permitting for the restoration of a boat launch facility for Lake Gregory. This project will include designing a public low freeboard boarding float, restroom, improved entrance roadways, and additional parking stalls, trailer parking, lighting, and signage. While the County must complete the designing and permitting by February 1, 2026, the County would be responsible for operating and maintaining the boat launch facility until February 1, 2044. Regional Parks expects to submit an application for construction after planning is completed. The construction phase is anticipated to be an application for a larger award amount.

The agreement with DBW contains the following non-standard County terms:

1. The County does not have the right to terminate the agreement, however DBW may terminate the agreement without cause upon 30 days' notice to the County.
 - Under the County standard contract, the County has the right to terminate the contract, for any reason, with 30 days' 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 does not have the right to terminate the agreement for convenience.
2. The agreement does not contain the standard County insurance requirements.
 - Standard County policy requires inclusion of the standard County insurance requirements in contracts unless otherwise approved by the Risk Management Department.
 - Potential Impact: The County has no assurance that DBW will be financially responsible for claims that may arise under the agreement, which could result in expenses to the County that exceed the total amount of the agreement.
3. The agreement provides that the County waives all claims and recourse against DBW and will indemnify, defend and hold harmless the DBW in connection with the performance of the agreement, and/or from any and all claims who may be injured or damaged by the County in the performance of the agreement.
 - Standard County policy requires the contractor to indemnify the County.
 - Potential Impact: DBW is not required to defend, indemnify or hold the County harmless from any claims. If the County or DBW is sued for any claims in connection with the performance of the agreement, the County would indemnify and defend DBW.

This action meets the County's and Chief Executive Officer's goals and objectives of (1) Operating in a Fiscally-Responsible and Business-Like Manner by seeking grant funding for projects; (2) Ensuring Development of a Well-Planned, Balanced, and Sustainable County by planning and developing facilities that encourage recreation, should the grant funds be awarded to begin this project; and, (3) Providing for the Safety, Health and Social Services Needs of County Residents by providing opportunities for healthy activities.

**Grant Agreement with the State of California Department of Parks and Recreation - Division of Boating and Waterways
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PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Aaron Gest, and Dawn Martin, Deputies County Counsel, 387-5455) on June 13, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on June 18, 2024; Finance (Elias Duenas, Administrative Analyst, 387-4052) on June 13, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on June 14, 2024.

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June 25, 2024**

Record of Action of the Board of Supervisors
San Bernardino County

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, CLERK OF THE BOARD

BY 
DATED: June 25, 2024



cc: Parks - Davis w/agree for sign
Contractor - c/o Parks w/agree
File - w/agree

CCM 06/27/2024