

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

September 10, 2024

FROM

BEAHTA R. DAVIS, Director, Regional Parks Department

SUBJECT

Revenue Agreement with United States Department of Agriculture Forest Service for an Incident Command Post at Glen Helen Regional Park

RECOMMENDATION(S)

Approve revenue Emergency Facilities and Land Use **Agreement No. 24-829** (State Agreement No. 1202RZ24K4087) with the United States Department of Agriculture Forest Service, including a non-standard term, for the use of a portion of Glen Helen Regional Park for an Incident Command Post for Vista Incident No. CA-BDF-009908, in the amount of \$174,370, for the period of July 9, 2024, through July 22, 2024.

(Presenter: Jose Canedo, Deputy Director, 387-2340)

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 this item will not result in the use of additional Discretionary General Funding (Net County Cost). Under the Emergency Facilities and Land Use Agreement (Agreement), the United States Department of Agriculture Forest Service (Permittee) will pay the Regional Parks Department (Department) \$12,455 per day, totaling \$174,370, for the use of a portion of the Glen Helen Regional Park (Park) as detailed below:

Fee Description	Amount Per Day	Amount for 14 Days
Use of 25 acres of Open Space in the Park	\$10,000	\$140,000
Use of five acres of Open Space in the Campground	\$2,000	\$28,000
Use of Tent Campground Area	\$455	\$6,370
Total	\$12,455	\$174,370

Additionally, the Permittee will pay a one-time utility access fee of \$100 and will also pay for all water usage during their use of the Park. All fees are consistent with the 2024-25 Board of Supervisors (Board) approved fee schedule.

BACKGROUND INFORMATION

On July 7, 2024, the Vista Incident began west of Lytle Creek Road near Stockton Flats. As of July 25, 2024, the fire burned 2,936 acres. Due to the fire's proximity to the Park, an Incident

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September 10, 2024**

Command Post was established there on July 9, 2024. The recommended Agreement between the Department and Permittee allows for the use of a portion of the Park whereby the Permittee will provide compensation for the period of July 9, 2024 through July 22, 2024.

The Agreement is non-negotiable and includes a term that differs from the standard County contract as follows:

The Permittee's terms and conditions do not indemnify and hold the County harmless.

- The County standard contract indemnity provision requires the permittee to indemnify, defend and hold the County harmless from third party claims arising out of the acts, errors or omission of any person.
- Potential Impact: Because the United States federal government is self-insured and does not have the authority to indemnify and hold the County harmless, each party will be responsible for errors, omissions and negligence of its employees.

Approval to use the Park as an Incident Command Post was approved due to the emergency circumstance and the need to provide a safe operating location for the command and control of fire assets near the emergency zone. The Department was unable to receive Board approval due to the emergency nature of the fire and the need to move quickly to contain the incident to save lives and property. This item is being presented at this time, as this is the first date available following cost negotiations with the State.

This Agreement aligns with the County and Chief Executive Officer goals and objectives to operate in a fiscally responsible and business-like manner by enabling the Department to leverage its park property resources to generate revenue.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on August 5, 2024; Finance (Elias Duenas, Administrative Analyst, 387-4052) on August 20, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on August 20, 2024.

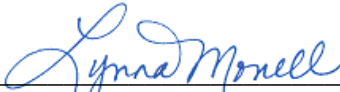
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Record of Action of the Board of Supervisors
San Bernardino County

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: September 10, 2024



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

MBA 09/11/2024