

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

May 20, 2025

FROM

MARK WARDLAW, Director, Land Use Services Department

SUBJECT

Contract with PlaceWorks, Inc. and Budget Adjustments for the Transportation and Mobility Element Update

RECOMMENDATION(S)

1. Approve **Contract No. 25-299**, including non-standard terms, with PlaceWorks, Inc., to provide program development services for the Transportation and Mobility Element Update, in the amount not to exceed \$234,519, for the period of May 20, 2025, through May 19, 2026, with four one-year options to extend.
 2. Approve a budget increase in the amount of \$330,329, from the Land Use Services General Plan/Development Code Amendments to the Land Use Services Planning budget, for program development services and consultant project management services as part of the Transportation and Mobility Element Update.
 3. Authorize the Auditor-Controller/Treasurer/Tax Collector to post the necessary budget adjustments to the Land Use Services Department's 2024-25 budget, as detailed in the Financial Impact section (Four votes required).
- (Presenter: Mark Wardlaw, Director, 387-4431)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

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). The PlaceWorks, Inc. (PlaceWorks) contract will be funded with \$330,329 one-time use of existing Land Use Services General Plan/Development Code Amendments reserve set aside in 2024-25. Of the \$330,329, \$234,519 would support program development services and \$95,810 would support consultant project management services, to update the County Policy Plan (General Plan) Transportation and Mobility Element.

The following budget adjustments are requested to fund the Transportation and Mobility Element Update:

Fund Center	Commitment Item/GL Account	Description	Action	Amount
1000	37008510	Fund Balance-Committed - Land	Decrease	\$330,329

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Fund Center	Commitment Item/GL Account	Description	Action	Amount
		Use Services General Plan/Development Code Amendments		
6950001000	52002900	Other Professional Fees	Increase	\$330,329

BACKGROUND INFORMATION

On September 29, 2024, the Governor approved Chapter 931, Statutes of 2024, Assembly Bill (AB) 98, establishing new statewide design and building standards for certain warehouse and logistics projects. In addition to design and building standards, AB 98 requires local jurisdictions to update their general plan circulation element to designate truck routes, conduct community outreach, publish Geographic Information Systems layers of designated truck routes, and install appropriate signage. In accordance with AB 98, the County must update the General Plan Transportation and Mobility Element by January 1, 2026. AB 98 authorizes the California Attorney General to enforce this requirement and impose a fine against a jurisdiction that is in violation of this requirement of up to \$50,000 every six months if the required update has not been made.

PlaceWorks is uniquely qualified to provide the necessary services for the Transportation and Mobility Element Update as part of a non-competitive purchase. On May 19, 2015 (Item No. 37), the Board of Supervisors approved Contract No. 15-248 with PlaceWorks for the preparation of the San Bernardino County Web-Based General Plan and corresponding Program Environmental Impact Report (PEIR). Utilizing the professional services of PlaceWorks to prepare an update to an element of the General Plan will ensure consistency and match existing systems for the Web-Based maps required for the future truck routes.

PlaceWorks would not agree to all County standard terms, so the parties negotiated certain non-standard modifications to the County standard terms. The non-standard terms include the following:

1. Modified indemnification and defense obligations to only negligent acts.
 - The County standard contract requires contractors to indemnify and defend the County from any and all claims arising out of the contract, including willful misconduct other than the County's conduct.
 - Potential Impact: The exclusions of willful misconduct of third parties will result in the County's inability to recover damages that arise out of the contract but that are determined to be caused by intentional or willful acts of third parties.

The Land Use Services Department recommends approval of the contract, including the non-standard terms, as it will assist the County in preparing the necessary update to the Transportation and Mobility Element in accordance with the requirements and timeline set by AB 98. Failure to complete the update in a timely manner may subject the County to extensive fines.

PROCUREMENT

The Purchasing Department supports the non-competitive procurement of the services for the Transportation and Mobility Element Update based on specialized expertise. PlaceWorks, with prior experience supporting the County and subject matter expertise, brings a strong

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understanding of incorporated and unincorporated communities, the General Plan, PEIR, and applicable regulations. Their expertise will assist the County in meeting the January 1, 2026, deadline and ensuring compliance with AB 98.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Supervising Deputy County Counsel, 387-5455) on April 23, 2025; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, General Accounting Manager, 382-7022) on May 9, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst, 386-9008) on May 9, 2025; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on May 5, 2025; Finance (Iliana Rodriguez, Administrative Analyst, 387-5423) on May 5, 2025; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 5, 2025.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 20, 2025



cc: LUSD - Bakunawa w/agree
Contractor - c/o LUSD w/agree
File - w/agree
MBA 05/21/2025