

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

April 23, 2024

FROM

BEAHTA R. DAVIS, Director, Regional Parks Department

SUBJECT

Grant Agreement with the California State Coastal Conservancy for the Santa Ana River Trail Phase IV-A

RECOMMENDATION(S)

1. Approve Grant **Agreement No. 24-328** with the California State Coastal Conservancy, including a non-standard term, in the amount of \$6,800,000, for the Santa Ana River Trail Phase IV-A project located between California Street and Orange Street in the City of Redlands, effective on the date signed by the California State Coastal Conservancy, through January 31, 2046.
2. Authorize the Chair of the Board of Supervisors, Chief Executive Officer, Deputy Executive Officer, or the Director of the Regional Parks Department, as required by the California State Coastal Conservancy, to execute any subsequent non-substantive amendments to the Grant Agreement on behalf of the County, subject to review by County Counsel.
3. Direct the Director of the Regional Parks Department to transmit all amendments in relation to the Grant Agreement 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

Operate in a Fiscally-Responsible and Business-Like Manner.

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

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). The current total implementation cost for the Santa Ana River Trail (SART) Phase IV-A project, located between California Street and Orange Street in the City of Redlands, is estimated at \$6,800,000. The California State Coastal Conservancy (Conservancy) will fund the total \$6,800,000 required for planning, design, and the construction of SART Phase IV-A, with no match required.

A budget adjustment is not requested at this time but will be included on a future countywide budget report or presented as a separate item to the Board of Supervisors (Board) for approval.

BACKGROUND INFORMATION

On March 14, 2023 (Item No. 49), the Board approved the submission of the SART Phase IV-A grant application to the Conservancy. The Regional Parks Department (Department) has since

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been awarded the grant and received the recommended Grant Agreement in the amount of \$6,800,000 from the Conservancy for the SART Phase IV-A project through January 31, 2046.

The Grant Agreement with the Conservancy includes the following term that differs from the standard County contract:

The County is required to indemnify and hold the Conservancy harmless from any and all liabilities, claims, demands, damages or costs resulting from or arising out of the County's willful or negligent acts or omissions of the County in any way connected to the Grant Agreement.

- The County standard contract does not include any indemnification or defense by the County of a contractor.
- Potential Impact: By agreeing to indemnify the Conservancy, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against the Conservancy without such limitations, and the County could be responsible to defend and reimburse the Conservancy for costs, expenses, and damages which could exceed the total agreement amount.

The Department is recommending approval of the Grant Agreement, including the non-standard term, to ensure continued funding for the SART Phase IV-A project. The Grant Agreement with the Conservancy will fund the completion of SART Phase IV-A in the City of Redlands.

This item will also authorize the Chair of the Board, Chief Executive Officer, Deputy Executive Officer, or the Director of the Department, as required by the Conservancy, to execute any subsequent non-substantive amendments to the Grant Agreement on behalf of the County, subject to review by County Counsel. Once the Grant Agreement is executed, funds will be provided to the County, on a reimbursement basis, to fund SART Phase IV-A implementation costs for the benefit of County residents and visitors. The SART Phase IV-A project will extend the trail 3.9 miles from California Street to Orange Street in the City of Redlands.

The County has completed and opened two sections of the Santa Ana River Trail to the public. SART- Phase I was completed in April of 2007 and extended the trail from La Cadena Avenue in Colton to the Riverside-San Bernardino County Line, where it joined Riverside County's existing trail section. In addition to the National Forest trail sections, there are now seven miles of paved, multi-use Parkway completed and open to the public in the county. SART- Phase II was completed in April of 2005 and extended the trail from Waterman Avenue in San Bernardino west to La Cadena Avenue in Colton. SART-Phase III is located between Waterman Avenue and California Street in the cities of Redlands and San Bernardino. Construction began in September of 2023 and is projected to be completed in December of 2024.

This action meets the County and Chief Executive Officer's goals and objectives of operating in a fiscally-responsible and business-like manner by seeking grant funding for projects, and ensuring development of a well-planned, balanced, and sustainable County by constructing facilities that encourage walking and biking. This item also provides for the safety, health and social services needs of County residents by providing opportunities for healthy activities with construction of the SART.

PROCUREMENT

N/A

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on April 19, 2024; Risk Management (Victor Tordesillas, Deputy Executive Officer, 387-3101) on April 19, 2024; Finance (Elias Duenas, Administrative Analyst, 387-4052) on April 19, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on April 19, 2024.

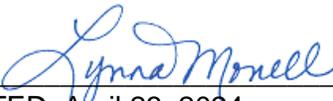
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Record of Action of the Board of Supervisors
San Bernardino County

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: April 23, 2024



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

CCM 04/24/2024