

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

August 22, 2023

**FROM**

**SHANNON D. DICUS, Sheriff/Coroner/Public Administrator**

**SUBJECT**

Revenue Agreement with the State of California, Commission on Peace Officer Standards and Training for Supervisory Courses

**RECOMMENDATION(S)**

1. Approve Revenue **Agreement No. 23-936** (State Agreement No. 23112442), including non-standard terms, with the State of California, Commission on Peace Officer Standards and Training for the Sheriff/Coroner/Public Administrator to provide supervisory level training courses, in an amount not to exceed \$107,501, for the retroactive period of July 1, 2023 through June 30, 2024.
2. Authorize the Auditor-Controller/Treasurer/Tax Collector to post adjustments to the Sheriff/Coroner/Public Administrator's 2023-24 budget, as detailed in the Financial Impact section (Four votes required).

(Presenter: Ernie Perez, Deputy Chief, 387-3760)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

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

**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 Funding (Net County Cost). As a Commission on Peace Officer Standards and Training (POST) certified Regional Training Center, the Sheriff/Coroner/Public Administrator (Department) provides mandated training to law enforcement personnel. The Department receives revenue for providing the training, which is contingent upon the number of students enrolled in the courses, with the total amount reimbursed not to exceed \$107,501.35 for five trainings, at a rate of \$21,500.27 per training. POST establishes the instructor-to-student ratios and the rates of reimbursement for each course. The Department establishes minimum enrollment standards to ensure sufficient class size to achieve full cost recovery.

The Department requests the Auditor-Controller/Treasurer/Tax Collector post the following adjustments to the 2023-24 budget, as detailed below:

| <b>Cost Center</b> | <b>Commitment Item/GL</b> | <b>Description</b>           | <b>Action</b> | <b>Amount</b> |
|--------------------|---------------------------|------------------------------|---------------|---------------|
| 4430001000         | 51001010                  | Regular Salary               | Increase      | \$66,544      |
| 4430001000         | 52002135                  | Special Department Expense   | Increase      | \$26,806      |
| 4430001000         | 52942941                  | Conference/ Training/Seminar | Increase      | \$14,151      |

**Revenue Agreement with the State of California, Commission on Peace  
Officer Standards and Training for Supervisory Courses  
August 22, 2023**

|            |          |             |          |           |
|------------|----------|-------------|----------|-----------|
|            |          | Fees        |          |           |
| 4430001000 | 40408840 | State Other | Increase | \$107,501 |

**BACKGROUND INFORMATION**

Since 1993, the County has entered into annual agreements with POST to provide emergency vehicle operations and supervisory level training courses. The Revenue Agreement (Agreement) and rates for reimbursement are initiated and established annually by POST.

Approval of this item will provide reimbursement to the Department for expenses associated with providing five POST 80-hour Supervisory Course presentations to California law enforcement personnel. The Department will be reimbursed by POST at a rate of \$21,500.27 per presentation, for an amount not to exceed \$107,501.35.

On June 5, 2023, the Department received the contract from POST for the period of July 1, 2023 through June 30, 2024. The Department is submitting the item for approval at the first available date upon completion of all administrative and legal reviews.

The Agreement contains terms and conditions that differ from the County’s standard contract language. The non-standard contract terms and conditions are as follows:

1. The State of California (State) requires the County to indemnify, defend and hold harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Contractor in the performance of this Agreement.
  - County standard contract language requires contractors to indemnify the County and its authorized officers, employees, agents and volunteers.
  - Potential Impact: The County would have to indemnify the State for any claims or losses related to the Agreement, which may exceed the total Agreement amount.
  - Justification: The Department believes that providing mandated State training for Department personnel, and local and state agencies, at a Department-operated POST certified training facility, offsets any potential risk that may be associated by participating in the Agreement.
  
2. The State’s Agreement does not list any self-certification provisions or provide any of the insurance requirements pursuant to County Policy 11-07.
  - County standard contract language requires the following insurance: general liability (\$1,000,000 per occurrence), automobile (\$1,000,000 per occurrence), professional liability (\$1,000,000 per occurrence and \$2,000,000 aggregate), and cyber liability (\$1,000,000 per occurrence and \$2,000,000 aggregate).
  - Potential Impact: Because the Agreement does not state any minimum aggregate limits that the State has to provide, the Department could potentially not recover all damages incurred during the Agreement period.
  - Justification: The Department believes that providing mandated State training, at a Department-operated POST certified training facility, minimizes the potential risk associated with the provision of the services.

**Revenue Agreement with the State of California, Commission on Peace  
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August 22, 2023**

The State's terms and conditions are exceptions to the County's standard contract language, therefore, approval by the Board is necessary for the Department to provide training covered by the Agreement.

The Department recommends approval of the Agreement, including non-standard terms, and believes that providing mandated State training, at a Department-operated POST certified training facility, minimizes the potential risk associated with the provision of the services.

County Counsel and Risk Management have reviewed the non-standard language and provided input. The Agreement may be terminated by either party with 30-days advance written notice.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on July 31, 2023; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, Auditor-Controller Division Manager, 382-7022) on July 31, 2023; Risk Management (Greg Ustaszewski, Staff Analyst, 386-8621) on August 1, 2023; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on August 4, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 7, 2023.

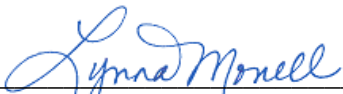
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: August 22, 2023



cc: Sheriff - Welty w/ agrees for sign  
Contractor c/o Sheriff  
File w/ agree

JLL 09/1/2023