

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

January 11, 2022

FROM

EDWARD BARRY, Chair, Law and Justice Group Administration

SUBJECT

Future Communities Pilot Program Grant for the Remote Electronic Warrants Program

RECOMMENDATION(S)

Approve a **Memorandum of Understanding No. 22-09** with the Southern California Association of Governments to provide funding in the amount of \$46,850.54 for further improvements to the County's Remote Electronic Warrants Program from January 12, 2022, through April 30, 2022.

(Presenter: Edward Barry, Chair, 387-5656)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

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). A grant from the Future Communities Pilot Program (FCPP) has already been awarded and accepted. Grant funds in the amount of \$46,850.54 will be used for information technology services to perform system fixes and enhancements to the San Bernardino County (County) Remote Electronic Warrants (REW) Program. The FCPP grant requires a 25 percent match (\$15,617), which will be funded by in-kind expenditures from the Superior Court of California, County of San Bernardino (Court). Budget adjustments are not requested at this time but will be included in the 2021-22 First Quarter Budget Report when brought to the Board of Supervisors (Board) for approval.

BACKGROUND INFORMATION

On November 1, 2018, the Southern California Association of Governments (SCAG) Regional Council approved opening a Call for Applications for the FCPP 2020 grant. The grant program is funded with \$2.0 million from the South Coast Air Quality Management District Mobile Source Air Pollution Reduction Committee, and \$1.0 million from Senate Bill 1 – The Road Maintenance and Rehabilitation Program (SB-1) approved in 2017. The goals of the grant program are to “test innovative approaches for reducing emissions-producing Vehicle Miles Traveled (VMT) from local travel and municipal operations,” and to “improve efficiency and reduce the costs of city and county municipal services.” Pilot projects should also be replicable by other jurisdictions.

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On December 13, 2018, the County Administrative Office approved the submission of a grant application through the authority delegated in County Policy 05-13. On February 7, 2019, the SCAG Regional Council approved the County's application for full expansion of the REW Program. On February 11, 2020 (Item No. 36), the Board approved acceptance of the award.

The County's REW Program was made possible by legislation (Assembly Bill 2710; Chapter 176, Statutes of 2018), which took effect January 1, 2019, and allows law enforcement officers to seek approval of search and arrest warrants remotely, without having to physically travel to a courthouse. Because San Bernardino County is geographically the largest in the contiguous United States, and Deputy Sheriffs often need to travel long distances to a courthouse, the VMT savings from a remote process are sizable, along with the concomitant reductions in Greenhouse Gas and criteria pollution emissions. In addition, the REW Program improves public safety by allowing Deputies to remain in the field, serving the public.

The expanded program was built on an already successful program for processing warrants remotely after hours and on weekends. Expanding to all hours required significant additional technical development. The County's Department of Innovation and Technology (ITD) developed the enhancement and implemented the project in coordination with the Court and the Sheriff/Coroner/Public Administrator's Department (Sheriff), who are the primary users of the system. The Law and Justice Group (L&JG) Administration unit has managed the grant, which included financial and performance reporting, and a final project report pending completion. L&JG Administration pays ITD at the Board-approved rate for services rendered for technical development. The Court hosts the system and reviews warrant requests.

The original scope of work for the grant project was completed within the grant period established in the original MOU, which terminated on December 31, 2020. Of the \$297,242 originally budgeted, \$190,503 was expended. The REW Program expansion to all hours has been very successful, with wide participation and estimated savings of over 238,000 VMT during the first eleven months of 2021. SCAG has indicated that \$46,850.54 of the original award is still available to the County for further fixes and enhancements to the REW Program system for improved functionality and reporting, through a second MOU, which would terminate on April 30, 2022.

The MOU includes the following non-standard terms:

1. Although the Memorandum of Understanding (MOU) requires SCAG to defend, indemnify and hold harmless the County, the MOU also requires the County to defend, indemnify and hold harmless SCAG for claims, including from third parties, arising from the County's negligent acts, errors or omissions or violations of law.
 - The County standard contract does not include any indemnification or defense by the County of a contractor.
 - Potential Impact: By agreeing to indemnify SCAG, the County could be responsible to defend and reimburse SCAG for costs, expenses and damages, which could exceed the total MOU amount.
2. Venue is in Los Angeles County.
 - The County standard contract requires venue for disputes in Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: A venue in Los Angeles County may result in additional expenses if there is litigation arising from this MOU.
3. The prevailing party is entitled to recover attorneys' fees and costs.

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- The County standard contract requires each party to bear its own costs and attorneys' fees, regardless of who is the prevailing party.
- Potential Impact: If either party institutes any legal proceedings related to the MOU, the prevailing party will be entitled to recover reasonable attorneys' fees, which could exceed the total contract amount.

The L&JG recommends approval of this MOU, including the non-standard terms, as the REW Program is beneficial to the County because it improves efficiency as law enforcement officers can seek approval of search and arrest warrants remotely, without having to physically travel to a courthouse.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on December 21, 2021; San Bernardino County Superior Court (Micah May, Deputy Court Executive Officer, Court Technology Services, 708-8748) on December 22, 2021; Finance (Sofia Almeida, Administrative Analyst, 387-4378, Carolina Mendoza, Administrative Analyst, 387-0294, and Allegra Pajot, Administrative Analyst, 387-5005) on December 21, 2021; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on December 21, 2021.

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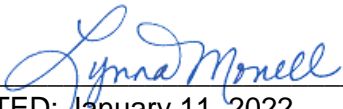
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Dawn Rowe Seconded: Janice Rutherford

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: January 11, 2022



cc: CAO- Pajot w/agree
Contractor- C/O CAO w/agree
File- w/agree
LA 01/12/2022