

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

June 8, 2021

FROM

JOHN McMAHON, Sheriff/Coroner/Public Administrator

SUBJECT

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

RECOMMENDATION(S)

Approve **Revenue Agreement No. 21-393** (State Agreement No. 21112115) with the State of California, Commission on Peace Officer Standards and Training for the period of July 1, 2021 through June 30, 2022, in an amount not to exceed \$976,500 for the Sheriff/Coroner/Public Administrator to provide Emergency Vehicle Operations training courses.
(Presenter: John Ades, Captain, 387-0640)

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.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General 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 these mandated trainings in-house, thus avoiding the cost of sending staff to offsite trainings. Additionally, the Department will be reimbursed \$1,395 per student attending Emergency Vehicle Operation (EVO) courses, up to 700 students, for providing the trainings, an amount not to exceed \$976,500. 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. Sufficient appropriation and revenue is included in the Department's 2021-22 recommended budget.

BACKGROUND INFORMATION

Since 1993, the County has entered into an annual agreement with POST to provide EVO training services, with the latest being Agreement No. 20-271 approved by the Board of Supervisors (Board) on May 19, 2020 (Item No. 92). The proposed 2021-22 agreement allows the Department's Emergency Vehicle Operations Center (EVOC) to bill POST directly for training services, thus decreasing the workload for the law enforcement (LE) agencies involved and providing a more predictable cash flow for EVOC. Before this agreement was in place, EVOC would bill each outside LE agency separately and each of those LE agencies would seek reimbursement from POST.

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This revenue agreement, initiated annually by POST, contains non-standard indemnification language:

1. Insurance Standards:

- a. Non-standard term: The POST Agreement requires the County to indemnify and hold harmless the State from any and all claims resulting from services provided under the Agreement. At the same time the Agreement provides no insurance for the County or the individual while participating in training sessions at the EVOC.
- b. Impact: In the event Department personnel injure themselves or others, they will not be able to seek remedies from the State, and the County would have to defend the State from any lawsuit arising out of any sustained injuries while participating in the training sessions.
- c. Justification: The Department believes that access to training at the EVOC far outweighs any risks upon utilizing the facilities and because any injury occurring at EVOC would be "on-duty," the Department believes personnel have adequate insurance coverage. Personnel from outside agencies are required to sign a "Release and Hold Harmless Agreement" releasing the County from any liability resulting from their participation in training sessions held at the EVOC.

While this is a notable exception to the County's standard contract language, the Department recommends approval of the Agreement with POST in order to pursue County goals and objectives by working with other agencies and provide for the safety, health and social service needs of County residents. County Counsel and Risk Management have reviewed and provided input on the Hold Harmless Agreement. The revenue agreement may be terminated by either party upon 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 May 10, 2021; Risk Management (LeAnna Williams, Director, 386-8621) on May 10, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on May 17, 2021; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on May 17, 2021.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 8, 2021



cc: Sheriff- Ades w/agree for sign
Contractor- C/O Sheriff w/agree
File- w/agree
LA 06/8/2021