

**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

Memorandum of Understanding with the Superior Court of San Bernardino County for Court Security Services

RECOMMENDATION(S)

Approve a three-year **Memorandum of Understanding No. 21-424** with the Superior Court of San Bernardino County for the Sheriff/Coroner/Public Administrator to provide court security services, for the period of July 1, 2021 through June 30, 2024.

(Presenter: John Ades, Captain, 387-0640)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

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). The County receives an allocation of 2011 Realignment (AB 109) from the Trial Court Security Subaccount to fund the cost of providing court security services. The County's estimated funding allocation for 2021-22 is \$29.4 million, with additional funding expected as per the Governor's May Revise of the State Budget. The 2021-22 estimated cost to provide court security services is \$35.6 million, therefore, the Sheriff/Coroner/Public Administrator's (Department) 2021-22 recommended budget also includes the use of \$2.5 million in one-time reserve funding. The Department continues to monitor trial court security costs and develop program solutions to minimize the use of one-time funding. Sufficient appropriation and revenue are included in the Department's 2021-22 recommended budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

Government Code Section 69926(b) requires the Sheriff, with the approval and authorization of the Board of Supervisors (Board), to enter into a Memorandum of Understanding (MOU) with the Superior Court of San Bernardino County (Court) specifying an agreed upon level of court security services and any other agreed-upon governing or operating procedures. The Board has previously approved three-year MOUs with the Court, most recently on June 26, 2018 (Item No. 66; Agreement No. 18-381), for the period of July 1, 2018 through June 30, 2021.

The recommended MOU outlines the services to be provided by the Department, including the following: provide courtroom security, develop a comprehensive Court Security Plan, participate in the Court Security Committee, provide training for Department personnel assigned to the

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June 8, 2021

Courts, manage personnel to minimize absenteeism and control overtime, and provide necessary personal safety equipment and vehicles, as required, to perform court security services. This MOU is for a period of three years from July 1, 2021 through June 30, 2024.

The MOU includes the following terms that differ from the standard County Contract:

1. Indemnification
 - The County standard contract language requires the contractor to indemnify the County in accordance with County Policy 11-07.
 - The MOU with the Court allows for mutual indemnification.
 - Potential Impact: The MOU will require the County and the Court to indemnify each other based on comparative fault. The County could be liable for potential harm or loss incurred by the Court.
2. Insurance Standards
 - The County standard contract language requires contractors to carry appropriate insurance or self-insurance at limits and under conditions determined by the County's Risk Management Department.
 - Both the County and the Court are self-insured public entities for the purposes of Professional, General, Automobile Liability, and Worker's Compensation, with adequate coverage or resources.
 - Potential Impact: Liabilities or claims arising from this MOU would be covered by each entity's insurance coverage.

While these are notable exceptions to the County's standard contract language, the Department recommends approval of this agreement to pursue County goals and objectives by working with other agencies. County Counsel and Risk Management have reviewed and provided input to the proposed MOU.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on May 15, 2021; Risk Management (LeAnna Williams, Director, 386-8623) on May 20, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on May 20, 2021; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on May 20, 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
Contractor- C/O Sheriff w/agree
File- w/agree
LA 06/15/2021