

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

October 5, 2021

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Ratify Revenue Agreement with the State of California, Department of Parks and Recreation

RECOMMENDATION(S)

Ratify approval by the Chairman of the Board of Supervisors of **Revenue Agreement No. 21-745** with the State of California, Department of Parks and Recreation, Division of Boating and Waterways (State Standard Agreement No. C21706001), in an amount not to exceed \$231,600, effective October 1, 2021 through September 30, 2023, for the Sheriff/Coroner/Public Administrator to provide boating safety and boating law enforcement related training for peace officers and other first responders.

(Presenter: John Ades, Deputy Chief, 387-3760)

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 and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). This agreement provides revenue in an amount not to exceed \$231,600 to offset the Sheriff/Coroner/Public Administrator's (Department) cost to provide boating safety and boating law enforcement training for peace officers and other first responders. The agreement with the State of California, Department of Parks and Recreation, Division of Boating and Waterways (DBW) specifically provides for reimbursement of expenses necessary to provide the training, including labor, travel and per diem expenses. This revenue was not included in the Department's 2021-22 budget. Approval of the necessary budget adjustments are not requested at this time but will be included in a future quarterly countywide budget report presented to the Board of Supervisors (Board) for approval, if necessary. No matching funds are required.

BACKGROUND INFORMATION

On February 7, 2012 (Item No. 37), the Board approved Agreement No. 12-63 with DBW to provide reimbursement for the cost of two sessions of boating safety and boating law enforcement training for peace officers. Since then, the Board has approved various agreements with DBW, with the latest being Agreement No. 19-108, approved on March 19, 2019 (Item No. 38), to continue an expanded training for Department officers and other first responders throughout the State to accommodate all levels of boating skills. Training classes, up to 15 sessions annually, will include Inland Boat Operator, Boating Under the Influence, and Boating Accident Investigation. Training will be provided by Department staff assigned to the Colorado River Station.

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On August 12, 2021, the Department received notification of State Standard Agreement No. C21706001, with a requirement to sign and submit it by no later than August 31, 2021. In order to meet the submission requirement, the Chairman of the Board executed the Agreement via electronic signature on August 18, 2021. Approval of this item will ratify the action taken by the Chairman of the Board.

The Agreement includes non-standard terms and conditions that differ from the County's standard contract language, as follows:

1. Indemnity Standards:
 - a. Non-standard term: The State requires the County to indemnify it in relation to activities related to the agreement.
 - b. Impact: The County could potentially have to indemnify the State in the event it is sued due to County activities.
 - c. Justification: The Department believes the benefits of providing training related to boating safety and boating law enforcement for peace officers and other first responders outweigh any potential risk.
2. Termination Standards:
 - a. Non-standard term: The State can terminate the contract with 30 days' notice while the County must request and obtain permission to terminate the contract.
 - b. Impact: Scheduled training sessions for boating safety and boating law enforcement for peace officers and other first responders have to be provided regardless of any dispute.
 - c. Justification: The Department believes the benefit of cost recovery for these services outweighs the risk associated with the ability to terminate the contract with 30 days' notice

While the State's terms and conditions are exceptions to the County's standard contract language, the Department believes the benefits of the training to provide for the health and safety of County residents outweigh the potential risks.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on August 20, 2021; Risk Management (Victor Tordesillas, Interim Director, 386-8621) on August 26, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on September 14, 2021; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on September 20, 2021.

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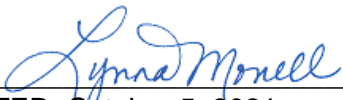
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Col. Paul Cook (Ret.)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 5, 2021



cc: Sheriff - Welty w/agree
Contractor - C/O Sheriff w/agree
File - w/agree
CCM 10/12/2021