



San Bernardino County

Legislation Text

File #: 5042, Agenda Item #: 56

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

October 26, 2021

FROM

**TERRY W. THOMPSON, Director, Real Estate Services Department
SHANNON D. DICUS, Sheriff/Coroner/Public Administrator**

SUBJECT

Use Permit Agreement with the American Cancer Society, Inc., for Use of Land at the Sheriff's Regional Training Center in San Bernardino

RECOMMENDATION(S)

1. Approve a three-day Use Permit Agreement with the American Cancer Society, Inc., for the period of November 5, 2021 through November 7, 2021, for the use of approximately 5.73 acres of County-owned land located at the Sheriff's Regional Training Center, in the Glen Helen area of San Bernardino, for the annual Construction vs Cancer event, incorporating static displays and operational demonstrations of heavy construction equipment, a static display of Sheriff/Coroner/Public Administrator's equipment, a children's activity area, vendor and sponsor display areas and parking areas, for no revenue.
2. Authorize the waiver of reimbursement charges set forth in County Policy 12-06 for the event for the period November 5, 2021 through November 7, 2021.
(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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). There is no revenue to be received by the County for the use of approximately 5.73 acres of land at the Sheriff's Regional Training Center (SRTC) for this three-day Use Permit agreement. The American Cancer Society, Inc. (ACS) is responsible for all costs for the Construction vs Cancer event (Event). ACS will provide a display area to the County, without charge, for the static display of Sheriff/Coroner/Public Administrator's (Sheriff) equipment at the Event. The cost to set up the display of the Sheriff's equipment is minimal and will be paid from the Sheriff's 2021-22 Budget (4431121000).

BACKGROUND INFORMATION

The recommended action will approve a new, three-day Use Permit agreement with ACS for the period of November 5, 2021 through November 7, 2021, for the non-exclusive use of approximately 5.73 acres of land at the County-owned SRTC located at 18958 Institution Road in the Glen Helen area of San Bernardino, for

static displays of heavy construction equipment, demonstrations of a large crane operated solely by licensed operators, demonstrations of small excavators and scissor lifts operated by licensed operators in conjunction with Event attendees, vendor and sponsor display areas, static display area of Sheriff's equipment, such as a helicopter and a specialized rescue vehicle, children's activity area, and parking areas for the Event.

The Sheriff requested the Real Estate Services Department (RESD) prepare a Use Permit agreement to provide for the use of approximately 5.73 acres of land, comprising various unpaved areas, and unpaved and paved parking areas (Use Area) of the SRTC by ACS for the Event. The agreement provides for the use of the Use Area for static displays and operational demonstrations of heavy construction equipment presently located on the SRTC and owned and operated by the Operating Engineers Funds, Inc. (OE). OE occupies approximately 38.01 acres of County-owned land at the SRTC and provides in-kind construction services to the County under the provisions of Lease Agreement No. 03-390, which was last approved by the Board of Supervisors (Board) on November 5, 2019 (Item No. 29). ACS will utilize volunteer, licensed operators from OE to perform demonstrations of large equipment and perform demonstrations of small excavators and scissor lifts to be operated by licensed operators in conjunction with Event attendees. The Use Permit agreement requires ACS to indemnify the County for the Event and to provide an increased general liability insurance limit as requested by Risk Management. In addition, all attendees who desire to participate in the operation of the small excavators and scissor lifts will be required to execute a release and waiver of liability for high-risk activity that releases ACS and the County from liability for any injury to persons or damage to property resulting from attendee's participation in these demonstrations. ACS also plans to have a children's activity area, vendor and sponsor display areas, and parking areas. ACS is responsible for all costs associated with the Event including clean-up and restoration of the Use Area at the conclusion of the Event.

The Use Permit agreement also provides for automatic cancellation of the permit if local, state or federal laws and regulations governing COVID-19 do not permit the Event to be held during the period of use or any portion of the period of use. ACS shall be solely responsible for establishing and implementing health and safety protocols during the Event in response to COVID-19, including cleaning, sanitation, and disinfection procedures, prevention measures, and screening of its employees, contractors, agents and volunteers in compliance with all current laws and guidance issued by recognized health agencies, such as the Centers for Disease Control and the World Health Organization.

County Policy No. 12-06 - Use of County Facilities by Non-County Organizations (Policy 12-06) requires that reimbursement charges be paid by non-County organizations for use of County-owned or County-leased premises to cover expenses incurred by County over and above normal operating expenses. Policy 12-06 also provides that requests to waive these charges may only be approved by the Board. Given that the Event provides a benefit to the community of San Bernardino County and that RESD and Sheriff anticipate minimal operational costs will be incurred by the County for this use, RESD and Sheriff request that the Board waive any reimbursement or use fees and approve a no-fee Use Permit agreement for ACS for the Event for the period of November 5, 2021 through November 7, 2021.

Staff has reviewed the recommended action pursuant to the California Environmental Quality Act (CEQA) and has determined that it does not constitute a project. Accordingly, no further action is required under CEQA.

Summary of Use Permit Terms

Permittee: American Cancer Society, Inc. (Julie Pizzitola, Senior Development Manager)

Location: The SRTC, Glen Helen area of San Bernardino

Size: Approximately 5.73 acres of land

Term: Three days, commencing November 5, 2021 through November 7, 2021

Use Fee: None, but ACS will provide a display area for Sheriff's equipment at no cost

Improvement Costs: None

Utilities: None

Insurance: The Certificate of Liability Insurance, as required by the Use Permit, is on file with RESD

Right to Terminate: Either party may terminate with one-day written notice for default; The permit will be automatically cancelled if local, state or federal laws and regulations governing COVID-19 do not permit the Event to be held during any day of the use period

PROCUREMENT

The Use Permit was procured pursuant to County Code of Ordinances, Section 18.0103 given that the duration does not exceed five years, the monthly rental does not exceed five thousand dollars (\$5,000), and the Use Permit agreement is not renewable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard Luczak, Deputy County Counsel, and Agnes Cheng, Deputy County Counsel, 387-5455) on October 1, 2021; Sheriff/Coroner/Public Administrator (Jose Torres, Administrative Manager, 387-3648) on September 24, 2021; Real Estate Services (Jennifer Costa, Assistant Director, 387-5380) on October 4, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294 and Carl Lofton, Administrative Analyst, 387-5404) on October 12, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on October 12, 2021.

(KB: 677-7961)