



# San Bernardino County

## Legislation Text

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**File #: 5199, Agenda Item #: 60**

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

**December 7, 2021**

#### **FROM**

**SHANNON D. DICUS, Sheriff/Coroner/Public Administrator**

#### **SUBJECT**

Revenue Project Agreement from the State of California, Department of Parks and Recreation, Off-Highway Motor Vehicle Grant Program

#### **RECOMMENDATION(S)**

1. Approve Revenue Project Agreement (State Agreement No. G21-03-15-L01) to accept funds from the State of California, Department of Parks and Recreation, Off-Highway Motor Vehicle Grant Program, for law enforcement activities within the jurisdiction of the San Bernardino County Sheriff's Department, in an amount not to exceed \$193,645, for the period of October 1, 2021 through September 30, 2022.
2. Authorize the Sheriff/Coroner/Public Administrator to execute and submit the grant award documents related to State Agreement No. G21-03-15-L01 from the State of California, Department of Parks and Recreation, Off-Highway Motor Vehicle Grant Program.
3. Direct the Sheriff/Coroner/Public Administrator to transmit all documents in relation to grant award, State Agreement No. G21-03-15-L01 to the Clerk of the Board of Supervisors within 30 days of execution. (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). The grant award will provide funding to the Sheriff/Coroner/Public Administrator (Department) in the total amount of \$193,645 to help offset the cost of providing Off-Highway Vehicle (OHV) enforcement activities in the unincorporated areas of San Bernardino County. The OHV Grant Program requires a 25% local match of \$64,549, for a total project cost of \$258,194. The Department will utilize existing staff included in the 2021-22 Adopted Budget to satisfy the local match requirement. The grant will fund overtime, supplies, equipment, training, administrative and other program related costs. Appropriation and revenue for this award are not included in the Department's 2021-22 Adopted Budget. A budget adjustment is not requested at this time but will be included in a future quarterly countywide budget report to be presented to the Board of Supervisors (Board) for approval, if necessary.

#### **BACKGROUND INFORMATION**

The State of California, Department of Parks and Recreation (State) administers the OHV grant program that

provides funding to cities, counties, appropriate districts, and non-profit organizations to provide OHV recreation, education, enforcement, and maintenance. This program is funded from OHV registrations, fines and forfeitures, fees, and fuel taxes. This grant is no longer awarded on a competitive basis. The grant awards are based on a proportional, "needs based" distribution. The Department has been receiving funding under this program since 2006.

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

1. The Agreement does not require the State to indemnify the County.
  - The County standard contract indemnity provision requires the State to indemnify, defend, and hold County harmless from claims arising out of the acts, errors or omissions of any person.
  - Non-standard term: The State requires the County to indemnify it in relation to activities related to the agreement, except for claims arising from the concurrent or sole negligence of the State.
  - Potential Impact: The County could potentially have to indemnify the State in the event it is sued due to County activities related to the agreement.
  - Justification: The Department believes OHV enforcement activities in unincorporated areas of the County outweigh any potential risk.

While the State's condition is an exception to the County's standard contract language, approval by the Board is necessary for the Department to provide the services listed in the Agreement for the safety and health of County residents. County Counsel and Risk Management have reviewed the non-standard language and provided input.

Approval of the Revenue Project Agreement will allow the Department's OHV enforcement teams to provide the following services: off-highway vehicle law enforcement on peak days, safeguarding the desert habitat, and provide information/education materials to the public on the safe and legal use of off-road vehicles in the areas within the Department's jurisdiction, specifically Barstow, Colorado River, Twin Peaks, Victor Valley, Morongo Basin and Big Bear stations. In addition, the enforcement team provides supervisory personnel, manpower (patrol officers, dispatchers, and logistical support personnel), and equipment (patrol vehicles, support vehicles, mobile dispatch center and command post) to supplement the U.S. Bureau of Land Management (BLM) operations during several holiday weekends throughout the year.

On May 18, 2021 (Item No. 83), the Board approved the submission of grant application for the OHV program, requesting grant funds totaling \$800,000 (grant fund request of \$600,000 and required 25% County match of \$200,000). The State subsequently awarded grant funding on October 12, 2021, in the amount of \$193,645 with a required match of \$64,549, for a total project cost of \$258,194, for the period of October 1, 2021 through September 30, 2022. The Department is submitting the agreement to the Board for approval at the first available meeting date after completion of the review process. The Department can submit claims for reimbursement retroactively to October 1, 2021.

## **PROCUREMENT**

Not applicable.

## **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on November 5, 2021; Risk Management (Victor Tordesillas, Director, 386-8655) on November 10, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on November 12, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on November 17, 2021.