



San Bernardino County

Legislation Text

File #: 6679, Agenda Item #: 71

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

September 13, 2022

FROM

DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District

SUBJECT

Non-Financial Mutual Aid Agreement with the United States Department of Navy, through the United States Marine Corps Logistics Base in Barstow

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District, approve a non-financial mutual aid agreement with the United States Department of the Navy, through the United States Marine Corps Logistics Base in Barstow that supersedes Agreement No. 16-190, and is for mutual assistance on fire, rescue, emergency medical services, and response to hazardous materials incidents, for a period of 10 years effective upon execution by both parties.

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-5779)

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 agreement will not result in the use of Discretionary General Funding (Net County Cost). This is a non-financial agreement that defines the responsibilities of the two entities regarding mutual aid response. San Bernardino County Fire Protection District (SBCFPD) retains its right to claim reimbursement in accordance with any federal guidelines established in connection with an incident.

BACKGROUND INFORMATION

SBCFPD has numerous mutual aid agreements with local, state, and federal agencies to assist each other in the suppression of fires and in the provision of emergency medical services. These agreements allow one party to assist the other party by providing personnel, equipment, materials/supplies, and other services, as needed, for fire and/or emergency incidents. The purpose of these agreements is to provide the closest engine response within, adjacent, or proximate to each party's designated boundaries and to provide the most expeditious response to suppress fires and render other emergency services to the community.

On May 3, 2016 (Item No. 71), the Board of Directors (Board) approved a mutual aid agreement (Agreement No. 16-190) between SBCFPD and United States (U.S.) Department of Navy, through the U.S. Marine Corps Logistics Base in Barstow (MCLB) for mutual assistance on fire, rescue, and emergency medical services for an indefinite term. The recommended agreement, which supersedes Agreement No. 16-190, will continue the

mutual aid for fire, rescue, and emergency medical services for a period of 10 years effective upon execution by both parties. The recommended agreement also includes an updated scope of services, including response to hazardous materials incidents. The agreement may be terminated by either party upon 180 days' written notice.

The mutual aid agreement was prepared by MCLB and includes terms that differ from the standard SBCFPD mutual aid agreement and omits certain SBCFPD standard contract terms. The non-standard and missing terms include the following:

1. The agreement does not require MCLB to meet SBCFPD's indemnity and insurance standards as required pursuant to SBCFPD Policy 11-07.
 - SBCFPD Policy requires contractors to indemnify SBCFPD and carry appropriate insurance at limits and under conditions determined by SBCFPD's Risk Management Department and set forth in the SBCFPD standard contract.
 - Potential Impact: The agreement does not include SBCFPD standard indemnity and insurance requirements. In the event of a third-party claim or lawsuit that arises from the U.S. Department of Navy's performance under the agreement, SBCFPD may be required to defend itself and, as a result, will incur cost. As for not including the SBCFPD's standard insurance provisions, because the agreement is with the U.S. Department of Navy, the risk of not including SBCFPD's standard insurance requirements is low.

2. The agreement does not address governing law or venue.
 - The SBCFPD standard contract provides that governing law is California and court venue is in San Bernardino County.
 - Potential Impact: Because the agreement is silent, there could be a dispute on governing law. If there is a dispute and court venue is in another county or state, SBCFPD may incur additional costs associated with venue in another county or state.

Notwithstanding the non-standard provisions, SBCFPD is recommending that the Board approve this agreement as it will continue mutual aid for emergency response services, and will provide for the safety, health, and social service needs of County and SBCFPD residents by enhancing the emergency response capabilities of SBCFPD and MCLB.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Supervising Deputy County Counsel, 387-5455) on September 1, 2022; Finance (Tom Forster, Administrative Analyst, 387-4635) on August 19, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-5423) on August 22, 2022.