



San Bernardino County

Legislation Text

File #: 7412, Agenda Item #: 57

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

January 24, 2023

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. G22-03-15-L01), including non-standard terms, 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/Coroner/Public Administrator, in an amount not to exceed \$207,428, retroactively for the period of October 1, 2022 through September 30, 2023.
2. Authorize the Sheriff/Coroner/Public Administrator to execute and submit the grant award documents related to State Agreement No. G22-03-15-L01 as required by 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 the grant award, State Agreement No. G22-03-15-L01, to the Clerk of the Board of Supervisors within 30 days of execution.
4. Authorize the Auditor-Controller/Treasurer/Tax Collector to post adjustments to the Sheriff/Coroner/Public Administrator's 2022-23 budget, as detailed in the Financial Impact Section (Four votes required).

(Presenter: Kelly Welty, Chief Deputy Director, 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 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 \$207,428 to help offset the cost of providing Off-Highway Vehicle (OHV) enforcement activities in the unincorporated areas of San Bernardino County. The Off-Highway Motor Vehicle (OHMV) Grant Program requires a 25% local match of \$69,144, for a total project cost of \$276,572. The Department will utilize existing staff salaries included in the 2022-23 Adopted Budget to satisfy the local match requirement. The grant will fund overtime, services and supplies, equipment, training, administrative and other program related costs. Appropriation and revenue related to this award were not included in the Department's 2022-23 Adopted Budget. Therefore, the following 2022-23 budget adjustments are requested:

Fund Center	Commitment Item	Description	Action	Amount
4438001000	51001035	Overtime	Increase	\$142,038
4438001000	52002953	Fuel	Increase	\$15,000
4438001000	52002855	General Maintenance - Equipment	Increase	\$21,150
4438001000	52002135	Special Department Expense	Increase	\$29,240
4438001000	40408955	State - Grants	Increase	\$207,428

BACKGROUND INFORMATION

The State of California, Department of Parks and Recreation (State) administers the OHMV 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 Revenue Project Agreement (Agreement) includes non-standard terms or condition that differ from the County’s standard contract language as follows:

1. Indemnification: County standard contract terms requires the Contractor to indemnify the County in accordance with County Policy 11-07.
 - a. 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.
 - b. 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.
 - c. Justification: The Department believes OHV enforcement activities in unincorporated areas of the County outweigh any potential risk.

2. Attorney’s Cost: County standard contract terms and conditions require that neither party is responsible to pay for the other party’s attorney’s fees and cost, except for indemnity obligations.
 - a. Non-Standard Term: The State requires the County to represent and pay for the State’s attorney’s fee on any legal action related to the Agreement, unless the State elects to represent itself, then it will bear its own attorney’s fees.
 - b. Potential Impact: The County could potentially have to pay for attorney’s fees to defend the State in the event it is sued due to County activities related to the Agreement.
 - c. Justification: The Department believes OHV enforcement activities in unincorporated areas of the County outweigh any potential risks or liability.

The State’s terms and conditions listed above are exceptions to the County’s standard contract language, therefore approval by the Board of Supervisors (Board). The Department recommends approval of the Agreement, including non-standard terms, as it is necessary for the Department to provide the services 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 Agreement will allow the Department’s OHV enforcement teams to provide the following services: off-highway vehicle law enforcement on peak days, helping to safeguard the desert habitat, and providing 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 the 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 United States Bureau of Land Management operations during several holiday weekends throughout the year.

On May 24, 2022 (Item No. 95), the Board approved the submission of a grant application for the OHMV Grant Program, requesting grant funds in the amount of \$600,000, with a required 25% County match of \$200,000, for a total project cost of \$800,000. The State subsequently awarded grant funding on November 23, 2022, in the amount of \$207,428 with a required match of \$69,144, for a total project cost of \$276,572, for the period of October 1, 2022 through September 30, 2023. 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, 2022.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on December 21, 2022; Risk Management (Victor Tordesillas, Director, 386-8621) on December 20, 2022; Auditor-Controller/Treasurer/Tax Collector (Vanessa Doyle, Deputy Chief Controller) on December 19, 2022; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on January 5, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on January 9, 2023.