

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

May 18, 2021

FROM

LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office

SUBJECT

Ratification Actions in Response to the Novel Coronavirus Pandemic

RECOMMENDATION(S)

Ratify the Chief Executive Officer's exercise of the authority granted by the Board of Supervisors initially on March 24, 2020 (Item No. 67), and extended on May 19, 2020 (Item No. 105), June 23, 2020 (Item No. 124), July 28, 2020 (Item No. 72), August 25, 2020 (Item No. 71), September 29, 2020 (Item No. 79), October 27, 2020 (Item No. 96), November 17, 2020 (Item No. 99), December 15, 2020 (Item No. 80), January 26, 2021 (Item No. 67), February 9, 2021 (Item No. 75), March 9, 2021 (Item No. 53), and April 6, 2021 (Item No. 51), and on November 17, 2020 (Item No. 98), January 26, 2021 (Item No. 68), February 9, 2021 (Item No. 76), March 9, 2021 (Item No. 54), and April 6, 2021 (Item No. 52) for non-standard contract terms for purchases, in approving the following actions in response to the worldwide health threat related to the Novel Coronavirus, or COVID-19:

1. Approve ratification of the Department of Public Health's application to the Centers for Disease Control and Prevention, in the amount of \$24,844,268, for the provision of COVID-19 response activities, with a specific focus on health equity and community collaboration, in relation to COVID-19, for the anticipated period of July 1, 2021 through June 30, 2023 and approved by the Chief Executive Officer on May 3, 2021.
2. Ratify **Amendment No. 1** to Ground Lease **Agreement No. 19-279** with Topgolf USA SBD, LLC (Topgolf) to confirm Topgolf's satisfaction with the leased premises at the end of Topgolf's due diligence period under the lease, which occurred on March 20, 2020, memorialize a force majeure delay pursuant to the lease due to the COVID-19 pandemic for the period of March 21, 2020 through January 25, 2021, reset the rent commencement date to occur on the earlier of Topgolf's business opening at the leased premises or 365 days after January 25, 2021, set the amount of the required performance bond at \$1,125,609, and permit Topgolf to commence grading activities for approximately 13.7 acres of vacant land located at the southeast corner of Archibald Avenue and Fourth Street in Ontario for the Regional Parks Department at no cost, presented by the Real Estate Services Department and signed by the Chief Executive Officer on January 29, 2021.

(Presenter: Leonard X. Hernandez, Chief Executive Officer, 387-5417)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Create, Maintain and Grow Jobs and Economic Value in the County.

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Provide for the Safety, Health and Social Service Needs of County Residents.
Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of the recommendations will not result in the use of additional Discretionary General Funding (Net County Cost), as detailed below. Sufficient appropriation, if necessary, as detailed below, will be included in the respective department's future recommended budgets.

Recommendation No. 1

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost). This grant application, in the amount of \$24,844,268 from the Centers for Disease Control and Prevention, does not require a match. If successful, the Department of Public Health (DPH) will return to the Board of Supervisors (Board) to accept the grant award and to request approval of the necessary adjustments to DPH's 2021-22 budget.

Recommendation No. 2

Approval of this recommendation will not result in the use of additional Discretionary General Funding (Net County Cost). There is no cost to the County of San Bernardino (County) for this Amendment No. 1 to the Ground Lease.

BACKGROUND INFORMATION

The COVID-19 virus originated in Wuhan, China in late 2019 and began spreading, initially, within China and then to other countries. On January 30, 2020, the World Health Organization declared the outbreak to be a "public health emergency of international concern". This was followed on January 31, 2020 by the United States Human Services Secretary declaring a public health emergency.

On March 4, 2020, the State of California declared a state of emergency as a result of the COVID-19 outbreak due to the rising number of confirmed cases and anticipated complications for those infected, including potential deaths. On March 10, 2020, the County Public Health Officer declared a local health emergency to help ensure county government and the public were prepared for the possibility that COVID-19 would appear within the county. On March 10, 2020 (Item No. 75), the Board of Supervisors (Board) proclaimed the existence of a local emergency within San Bernardino County resulting from COVID-19, which causes infectious disease resulting in symptoms of fever, coughing and shortness of breath with outcomes ranging from mild to severe illness and in some cases, death.

In order to promote a coordinated and efficient response to needs that may arise from the COVID-19 pandemic, on March 24, 2020 (Item No. 67), the Board authorized the Chief Executive Officer (CEO) to execute or approve various actions related to purchases, contracts, donations, budget, including the approval of adoption of resolutions, through May 31, 2020, subject to ratification by the Board at the next available Board meeting. Due to the continued threat of COVID-19, on May 19, 2020 (Item No. 105) and later on June 23, 2020 (Item No. 124), July 28, 2020 (Item No. 72), August 25, 2020 (Item No. 71), September 29, 2020 (Item No. 79), October 27, 2020 (Item No. 96), November 17, 2020 (Item No. 99), December 15, 2020 (Item No. 80), January 26, 2021 (Item No. 67), February 9, 2021 (Item No. 75), March 9, 2021 (Item No. 53), and April 6, 2021 (Item No. 51) the Board extended this authority of the CEO through June 30, 2020, July 31, 2020, August 31, 2020, September 30, 2020, October 31, 2020, November 30, 2020, December 31, 2020, January 31, 2021, February 28, 2021, March 31, 2021, April 30, 2021, and May 31, 2021 respectively, subject to ratification by the Board at the

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next available Board meeting. The recommended actions will ratify the authority exercised by the CEO.

Recommendation No. 1

The Centers for Disease Control and Prevention (CDC) announced a non-competitive grant “National Initiative to Address COVID-19 Health Disparities among Populations at High-Risk and Underserved, Including Racial and Ethnic Minority Populations and Rural Communities.” This grant will provide funding to address COVID-19 and advance health equity through strategies, interventions, and services that have put certain groups at higher risk for diseases like COVID-19 in racial and ethnic minority groups and rural populations throughout the County.

COVID-19 has disproportionately impacted multiple underserved populations within San Bernardino County, has placed a higher risk on those medically underserved, and those with limited access to services. This includes racial and ethnic minority groups, as well as people living in more rural communities. Additionally, racial and ethnic minority groups within the county and people living in more rural communities have disproportionate rates of chronic diseases that increase the severity of COVID-19 infection. If awarded, our hope is to mitigate the impact of COVID-19 on the aforementioned groups with funds made available through this funding opportunity.

DPH has a long history of working with underserved populations, and seeks to address the COVID-19 pandemic, through community collaboration. Community Based Organizations (CBOs), Faith Based Organizations (FBOs), Community Partners, staff, educational institutions, and other county departments will be engaged throughout implementation.

If successful, awarded funds will be used to address COVID-19 and advance health equity in racial and ethnic minority groups and rural communities throughout the county.

Anticipated expenditures of \$24,844,268 will be used to support COVID-19 response activities through community partners, support department capacity building, and testing/vaccine expansion. Three positions are included in the budget and it is anticipated that they will be limited term contract, temporary, extra help, or the funds will be used to offset costs associated with existing positions. Any new positions will be brought before the Board for approval.

Per the application guidance, quarterly expenditure and progress reports will be required. The funding agency will provide training and technical assistance for recipients on these requirements after award receipt.

County Counsel approved the application on April 30, 2021 and the application was approved by the Chief Executive Officer on May 3, 2021.

The application was submitted to the Centers for Disease Control and Prevention on the date it was due, May 3, 2021.

Recommendation No. 2

On April 30, 2019 (Item No. 63), the Board approved a revenue Ground Lease Agreement No. 19-279 with TopGolf for approximately 13.70 acres of vacant land located at the southeast corner of Archibald Avenue and Fourth Street (portion of Assessor Parcel Numbers 0120-181-34 and 0210-181-45), comprising a portion of Cucamonga-Guasti Regional Park, in the City of Ontario, for the construction and operation of a golf entertainment facility for a total ground rent revenue in the amount of \$14,503,125 during the initial 20-year revenue term. Topgolf notified

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the County of its satisfaction with the property, terminating the due diligence period on March 20, 2020, but the COVID-19 pandemic constituted a force majeure event under Paragraph 25 of the Agreement, resulting in a delay period from March 21, 2020 through January 25, 2021. The recommended action will ratify Amendment No. 1 to Ground Lease Agreement No. 19-279, which confirms the termination of the due diligence period and commencement of the force majeure period, which prevented from occurring the Rent Commencement Date (as defined in the Agreement), resets the rent commencement date, and allows construction of a portion of the initial improvements. County Counsel reviewed the Amendment and it was signed by the CEO on January 29, 2021.

PROCUREMENT

Procurement is not applicable for Recommendation No. 1 to apply for this funding opportunity; however, contracts resulting from the anticipated funding will be procured in accordance with County policy.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455; Charles Phan, Deputy County Counsel, 387-5465; Katherine Hardy, Deputy County Counsel, 387-5437) on May 10, 2021; Finance (Stephenie Shea, Administrative Analyst, 387-4919; Paul Garcia, Administrative Analyst, 386-8392) on May 6, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 10, 2021.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Janice Rutherford

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 18, 2021



cc: RESD- Thompson w/agree
Contractor- C/O RESD w/agree
File- w/agree
File- Emergency- Covid/19 w/attach
LA 05/25/2021