

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

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

August 22, 2023

**FROM**

**DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District  
DON DAY, Director, Project and Facilities Management Department**

**SUBJECT**

Procurement of Emergency Remediation Project at 120 S. D Street in San Bernardino

**RECOMMENDATION(S)**

1. Acting as the governing body of the San Bernardino County Fire Protection District:
  - a. Find that the Emergency Remediation Project at 120 S. D Street in San Bernardino is exempt under the California Environmental Quality Act Guidelines, Emergency Project, section 15269(b) and (c), and Public Resources Code section 21080 (b)(2) and (4).
  - b. Find that there is substantial evidence that the finding of lead-based paint contamination at 120 S. D Street in San Bernardino on June 15, 2023, created an emergency pursuant to Public Contract Code section 22050, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property and essential public services, necessitating an urgent project to remediate the hazardous materials, to allow staff to continue to provide essential public safety services, and will not permit the delay resulting from a formal competitive solicitation of bids to procure construction services (Four votes required).
  - c. Adopt **Resolution No. 2023-158** authorizing the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or contracts, in a total amount not to exceed \$2,994,472, for any emergency remediation, construction and modifications of internal and external structures related to the finding of lead-based paint contamination at 120 S. D Street in San Bernardino, and find that the issuance of these purchase orders and/or contracts is necessary to respond to this emergency pursuant to Public Contract Code sections 22035 and 22050 (Four votes required).
  - d. Authorize the Director of the Project and Facilities Management Department to accept the work when 100% complete and execute and file the Notice of Completion.
  - e. Authorize the Auditor-Controller/Treasurer/Tax Collector to post the necessary budget adjustments, as detailed in the Financial Impact section, for the Emergency Remediation Project, to provide funding for the remediation, construction and modifications of internal and external structures related to the finding of lead-based paint contamination at 120 S. D Street in San Bernardino (Four votes required).
  - f. Direct the Secretary of the Board of Directors to file and post the Notice of Exemption for the Emergency Remediation Project located at 120 S. D Street in San Bernardino, as required under the California Environmental Quality Act.

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2. Acting as the governing body of San Bernardino County:
  - a. Approve Capital Improvement Program Project No. 24-064, in the amount of \$2,994,472, for the Emergency Remediation Project located at 120 S. D Street in San Bernardino.
  - b. Authorize the Auditor-Controller/Treasurer/Tax Collector to post the necessary budget adjustments, as detailed in the Financial Impact section, for the Emergency Remediation Project, to provide funding for the remediation, construction and modifications of internal and external structures related to the finding of lead-based paint contamination at 120 S. D Street in San Bernardino (Four votes required).

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

**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.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The estimated cost for the urgent Lead-Based Paint (LBP) remediation is \$2,994,472. The Emergency Remediation Project (Project) will be funded by the San Bernardino County Fire Protection District (SBCFPD) through the use of available reserves and may potentially be reimbursed by insurance proceeds.

The following budget adjustments are necessary to increase the 2023-24 San Bernardino County Capital Improvement Program (CIP) and SBCFPD’s budgets for this Project:

<b>Cost Center</b>	<b>Commitment Item/GL</b>	<b>Description</b>	<b>Action</b>	<b>Amount</b>	<b>WBSE</b>
7700003100	54304030	Structure & Improvement to Structure	Increase	\$2,994,472	10.10.1495
7700003100	55415017	Fixed Assets Transfers In	Increase	\$2,994,472	10.10.1495
1064302410	55405016	Fixed Assets Transfers Out	Increase	\$2,994,472	N/A
1060002410	37008880	Fund Balance Available Reserves	Decrease	\$2,994,472	N/A

**BACKGROUND INFORMATION**

The building located at 120 S. D Street in San Bernardino is a 22,000 square foot facility used by SBCFPD as a mechanic shop. On June 15, 2023, SBCFPD received an environmental testing report from a contracted vendor which confirmed that the facility was contaminated by LBP dust and paint flakes. The Environmental Protection Agency categorizes LBP as a toxic substance regulated by the Toxic Substances Control Act.

Upon confirmation of the LBP contamination, SBCFPD immediately ceased operations in the contaminated portion of the facility and relocated staff temporarily to operate out of another facility, which provides challenges for SBCFPD mechanics to support emergency services. SBCFPD sought consultation from an LBP remediation company who confirmed the amount of remediation required to properly and safely clean the facility was extensive.

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Approval of this item establishes an emergency project and initial budget, subject to evaluation as procurement and costs accrue, which will allow the Project and Facilities Management Department (PFMD) to quickly engage with qualified contractors to complete LBP remediation and release the facility back to SBCFPD to resume normal operations. A delay to solicit competitive bids for the remodel/renovation work at 120 S. D Street, as well as Project remediation, is not feasible as immediate action is required to provide a safe working environment for SBCFPD employees, and to continue to provide essential public services.

Staff recommends that the Board of Directors (SBCFPD Board) find there is an emergency, pursuant to Public Contract Code section 22050, that requires immediate action, and pursuant to Public Contract Code sections 22035 and 22050 to authorize the Purchasing Agent to issue purchase orders necessary for the remediation work at the 120 S. D Street building, thus mitigating the loss of health, property, and essential public services. Emergencies related to Public Contract Code section 22050, once ordered, must be affirmed at each subsequent meeting until terminated.

Further, SBCFPD recommends that the SBCFPD Board adopt the Resolution authorizing the Purchasing Agent, as directed by the Chief Executive Officer, to issue purchase orders and/or contracts, in a total amount not to exceed \$2,994,472, for any emergency remediation, construction and modifications of internal and external structures related to the Project.

It is recommended that the SBCFPD Board find the Project is statutory and categorically exempt under Public Resources Code section 21080(b)(2) and (4) for emergency repairs to public service facilities necessary to maintain service and specific actions necessary to prevent or mitigate an emergency; and section 15269(b) and (c) of the California Environmental Quality Act Guidelines (Title 14, California Code of Regulations) for projects involving emergency repairs to publicly owned service facilities necessary to maintain service essential to the public health, safety or welfare and actions necessary to mitigate an emergency, for existing facilities in response to an emergency. This Project is consistent with the exemptions referenced and will not have a significant environmental impact. When the SBCFPD Board considers the environmental finding in Recommendation No. 1.a., the filing and posting of a Notice of Exemption is also recommended in Recommendation No. 1.f.

**PROCUREMENT**

When a project is necessary to address the effects of the emergency, PFMD will prepare a scope of work, quote and/or contract to be approved by the Chief Executive Officer, and then signed by the contractor. A purchase order will then be requested and finalized by the Purchasing Department to engage the architect, engineer and/or contractor to provide the required construction services.

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**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, and Scott M. Runyan, Principal Assistant County Counsel, 387-5455) on August 4, 2023; San Bernardino County Fire Protection District (Bertral Washington, Deputy Fire Chief, 387-5974) on August 3, 2023; Risk Management (Victor Tordesillas, Director, 386-8326) on August 7, 2023; Purchasing (Leo Gomez, Purchasing Manager, 387-2063) on August 1, 2023; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, Auditor-Controller Manager, 382-7022) on August 1, 2023; Project and Facilities Management (Robert Gilliam, Chief of Project Management, 387-5000) on August 10, 2023; Finance (Garrett Baker, Administrative Analyst, 387-3077) on August 10, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on August 11, 2023.

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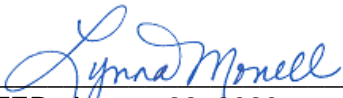
Record of Action of the Board of Directors  
San Bernardino County Fire Protection District

Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Curt Hagman  
Ayes: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.  
Absent: Col. Paul Cook (Ret.)

Lynna Monell, CLERK OF THE BOARD/SECRETARY

BY   
DATED: August 22, 2023



cc: PFMD - Day w/ NOE & Rec.  
File – Emergency – 120 S. D Street w/ attachments  
JLL 08/25/2023