

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

July 14, 2020

FROM

GARY McBRIDE, 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 to him by the Board of Supervisors initially on March 24, 2020 (Item No. 67), and extended on May 19, 2020 (Item No. 105) and June 23, 2020 (Item No. 124), in approving the following actions in response to the worldwide health threat related to the Novel Coronavirus, or COVID-19:

1. Authorize the purchase of two unbudgeted fixed assets of Hi-Pro Scanners for the Central Scanning component of the County's voting system from Dominion Voting Systems, Inc. in the amount of \$415,000, approved by the Chief Executive Officer on June 17, 2020.
2. Approve Community Development and Housing Agency's **Amendment No. 1 to Agreement No. 20-502** with Orange Show Hospitality Inc. to add housekeeping/maintenance services to the current contract scope of the provision of rooms to build isolation capacity as a response to COVID-19, to help protect public health and safety, lessen and/or avert the threats created by these exigent and emergency situations, increasing the total cost of the agreement by an amount not to exceed \$15,660, from \$600,000 to \$615,660, effective June 1, 2020 through August 22, 2020, signed by the Chief Executive Officer on June 17, 2020.
3. Approve **(County Contract No. 20-581)** Real Estate Services Department's emergency Use Permit with CCI Club SB LLC for the Purchasing Department's use of approximately 4,900 square feet of vacant warehouse space located at 295 E. Caroline Street, Suite B, San Bernardino, California for a month-to-month term, commencing June 16, 2020, at no cost to the County, signed by the Chief Executive Officer on June 23, 2020.
4. Approve Department of Public Health's Non-Financial **Agreement No. 20-582** (State Agreement No. 19-11178) with the California Department of Public Health for Emergency Medical and Health Disaster Assistance relating to Case Investigation and Contact Tracing in San Bernardino County for COVID-19, for the period of June 26, 2020 through December 26, 2020, signed by the Chief Executive Officer on June 25, 2020.
5. Accept the following allocations from the State of California to respond to the COVID-19 pandemic and ratify the filing of each executed certification for receipt of funds with the State of California Department of Finance, signed by the Chief Executive Officer on July 7, 2020:
 - a. Federal Coronavirus Aid, Relief and Economic Security Act Coronavirus Relief Fund in the estimated amount of \$50.2 million.
 - b. County General Fund COVID-19 in the estimated amount of \$39.8 million.
6. Direct the County Administrative Office to transmit all executed documents relating to the recommendations above to the Clerk of the Board within 30 days of execution.

(Presenter: Gary McBride, Chief Executive Officer, 387-5417)

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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.

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 may 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). The one-time purchase in the amount of \$415,000 resulting from the COVID-19 pandemic is eligible for reimbursement to the County through the Federal Coronavirus Aid, Relief and Economic Security (CARES) Act Coronavirus Relief Funds if no other COVID-19 related federal or state funding is available. The ongoing costs of \$62,856 for software licensing and maintenance will be included in future recommended budgets.

Recommendation No. 2

Approval of this amendment may result in the use of additional Discretionary General Funding (Net County Cost) in the event other sources from state or federal funding are not available. Funding for the cost of the amendment in the amount not to exceed \$1,305 per week may include Homeless Housing Assistance and Prevention funds for the Continuum of Care and the County of San Bernardino, FEMA financial assistance, California Homeless Emergency Aid Program funds, and/or Housing and Urban Development (HUD) funds, or other federal and/or state financial assistance. However, the not to exceed cost of \$615,660 for this amendment resulting from the COVID-19 pandemic is eligible for and will require the County to use Federal CARES Act Coronavirus Relief Funds if no other COVID-19 related federal or state funding is available. If any of these sources of funding are not available, through authority granted to the CEO initially on March 24, 2020 (Item No. 67), that was then extended on May 19, 2020 (Item No. 105) and June 23, 2020 (Item No. 124) due to the continued threat of COVID-19, the Board of Supervisors (Board) authorized the CEO to approve allocations from the mandatory contingencies or the General Purpose Reserve as allowed under the County's declaration of an emergency, subject to ratification by the Board at the next available Board meeting. Should events require the use of additional Discretionary General Funding, a future item will be submitted to the Board for approval.

The housekeeping/maintenance staff rates charged by the hotel/motel under the agreement are as follows:

Hotel Addendum	Maximum Number of Hours Per Week	Rate Per hour	Total Estimated Cost (June 1, 2020 through August 22, 2020)
Orange Show Inn	87	\$15.00	\$15,660.00

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Recommendation No. 3

Approval of this recommendation will not result in the use of additional Discretionary General Funding (Net County Cost). CCI Club SB LLC will not charge the County for the Use Permit or utilities associated with the use of the warehouse space.

Recommendation No. 4

The recommended Agreement is non-financial in nature and as such, does not impact Discretionary General Funding (Net County Cost).

Recommendation No. 5

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost). The allocation from the CARES Act Coronavirus Relief Funds will be used to offset the necessary expenditures incurred with regard to responding to the COVID-19 pandemic from March 1, 2020 to December 30, 2020 and cannot be used to backfill lost revenues. However, the allocation from County General Fund COVID-19 (Realignment) will be used to support the realignment programs that are experiencing revenue losses due to the COVID-19 pandemic. These funding sources will be allocated to departments through a process that will include Board approval to recognize the additional budget authority needed to pay for necessary expenditures or will be allocated to backfill lost Realignment funding throughout 2020-21.

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. Cases internationally, within the US and within California (as evidenced by the Governor’s Proclamation) continue to rise.

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 will appear within the county. On March 10, 2020 (Item No. 75), the 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 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), the Board extended this authority of the CEO through June 30, 2020, and July 31, 2020, respectively subject to ratification by the Board at the next available Board meeting. The recommended actions will ratify the authority exercised by the CEO.

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Recommendation No. 1

On May 8, 2020, Governor Newsom issued Executive Order N-64-20 calling for the November 3, 2020 Presidential General Election to be conducted as an all vote-by-mail election. This Executive Order directs counties in response to the COVID-19 pandemic to mail ballots to all registered voters. In the March 3, 2020 Presidential Primary Election, Registrar of Voters (ROV) mailed out 710,262 ballots to approximately 70% of the total number of registered voters. The remaining 30%, or an estimated 307,000 registered voters, will now receive a ballot in the mail. The additional scanners will assist ROV with the scanning and processing of an increased number of mail ballots during the canvass period.

On July 9, 2019 (Item No. 40), the Board approved contract No. 19-453 with Dominion Voting Systems, Inc. for the purchase of a new State-certified Voting System including software and hardware components in an amount not to exceed \$31,939,045 for the 15-year period from July 9, 2019 through July 8, 2034, with one five-year renewal option. A contract amendment is not required to buy the scanners. County Policy No. 11-04 SP2 requires Board approval for unbudgeted fixed assets for a unit valued at \$10,000 or more. County Counsel has reviewed the request for the unbudgeted fixed assets purchase and it was approved by the CEO on June 17, 2020.

Recommendation No. 2

On May 19, 2020 (Item No. 44), the Board ratified the CEO's action to approve the Order of the County Executive Officer as Director of Emergency Services permitting the commandeering of property for temporary residences and medical facilities that was signed by the Chief Executive Officer on April 24, 2020. This was in accordance with the Governor's Executive Order N-25-20, under the authority of Article XI of the California Constitution; California Government Code Sections 8610, 8630, and 8634; and San Bernardino County Ordinance Nos. 4090 and 4091, the County initiated the Order of the Chief Executive Officer as Director of Emergency Services Permitting the Commandeering of Property for Temporary Residences and Medical Facilities (Order) to prepare the County to provide hotel/motel rooms and other places of temporary residence; medical facilities; and other facilities that are suitable for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period, either through agreements, or by commandeering, if needed. On March 10, 2020 (Item No. 75), the County proclaimed the existence of a local emergency within San Bernardino County resulting from COVID-19.

Under the Government Code sections and Ordinances described above, in the event of a local emergency, the CEO, as the Director of Emergency Services, is authorized to obtain equipment, supplies, and properties needed for the protection of life and property, whether through agreements, contracts or commandeering. The CEO exercised authority granted to him by the Board initially on March 24, 2020 (Item No. 67), that was then extended on May 19, 2020 (Item No. 105) and June 23, 2020 (Item No. 124) due to the continued threat of COVID-19, and on May 5, 2020 (Item No. 4), the Board ratified several hotel/motel agreements to provide rooms for essential workers, emergency responders or healthcare providers. On May 5, 2020 (Item No. 4), the Board also ratified Agreement No. 20-253 with the National Orange Show to establish a staging area, medical transport center and temporary alternate care site at the fairgrounds. Any temporary accommodations and alternate care facilities thus far have been established through agreements.

On June 23, 2020 (Item No. 125), the Board ratified an agreement with Orange Show Hospitality Inc. that was signed by the CEO on May 22, 2020 for the provision of rooms to build

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isolation capacity as a response to COVID-19, to help protect public health and safety, lessen and/or avert the threats created by these exigent and emergency situations for the contract period of May 22, 2020 through August 22, 2020, in an amount not to exceed \$600,000. Amendment No. 1 adds housekeeping/maintenance services to the agreement, effective June 1, 2020, increasing the agreement by a not to exceed amount of \$15,660, for a total agreement amount not to exceed \$615,660. County Counsel has reviewed the Amendment and it was signed by the CEO on June 17, 2020.

Recommendations No. 3

The recommended action will approve the Use Permit with CCI Club SB LLC for a month-to-month term, commencing June 16, 2020, for approximately 4,900 square feet of vacant warehouse space. The Purchasing Department will utilize this space for storage of COVID-19 related supplies and equipment. Either party shall have the right to terminate the Use Permit with 30 days' notice. County Counsel reviewed the Use Permit and it was signed by the CEO on June 23, 2020.

Recommendation No. 4

The recommended Agreement with the California Department of Public Health (CDPH) will provide the Department of Public Health (DPH) with up to 25 State employees to assist with critically needed Case Investigation and Contact Tracing (CICT) efforts within the County to contain the spread of COVID-19. These efforts will be provided through the State's mutual aid system, free of charge, for the period of June 26, 2020 to December 26, 2020.

CDPH, the lead department for the State program, California Connected, is tasked with, and responsible for, the deployment of State's Disaster Service Workers (DSW) to assist local public health jurisdictions with contact tracing efforts. The recommended Agreement establishes program-specific guidelines and expectations, such as State CICT Personnel assisting the County with CICT work to meet the County's specific needs. County Counsel has reviewed the Agreement and it was signed by the CEO on June 25, 2020.

Recommendation No. 5

The sudden decline in economic output following the COVID-19 pandemic has significantly altered the fiscal outlook for state and local governments following non-essential business closures and social distancing mitigation measures, which resulted in a sharp decrease in state and local revenues. State and local spending programs are also likely to continue to increase to meet the demands in services in responding to the pandemic.

Under Recommendation No. 5a, the CARES Act, signed into law on March 27, 2020, created the Coronavirus Relief Fund (CRF), which provides a total of \$150.0 billion in federal fiscal support for state and local governments. Based on the population, the State of California (State) received a total of \$15.3 billion with \$5.8 billion directly paid to the cities and counties with populations over 500,000 from the United States Department of the Treasury (U.S. Treasury). The County of San Bernardino (County), as one of the qualifying local governments serving a population of at least 500,000, received the direct allocation in the amount of \$380.4 million as approved by the Board on April 21, 2020 (Item No.27). The State Budget now authorizes the Department of Finance to allocate a total of \$1.3 billion to address the public health and public safety impacts of COVID-19 for counties based on the relative share of the population and prior direct allocations, which results in the County receiving an additional \$50.2 million under the CARES Act.

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In order to receive this State-directed CRF, the County was required to sign and file a certification with the Department of Finance on or before July 10, 2020, pursuant to Subdivision (d) Control Section 11.90 of the Budget Act of 2020, that the County will adhere to federal guidance, proposed use of funds, the State's stay-at-home requirements and other health requirements as directed in the Governor's Executive Order N-33-20, any subsequent executive orders or statutes, and all California Department of Public Health orders, directives, and guidance issued in response to the COVID-19 pandemic. The County also must agree to report on expenditures and summarize regional collaboration and non-duplication of efforts within the region by September 1, 2020, return any funds that are unspent by October 30, 2020, and repay the State for any cost disallowed after federal review.

Regarding Recommendation No. 5b, the County General Fund COVID-19 allocations are included in the State Budget for a total of \$750 million to provide support for counties experiencing revenue losses for realigned programs. In utilizing these funds, counties are required to prioritize support for health and human services, entitlement programs, and programs that serve vulnerable populations. At this time, the County is expected to receive a total allocation of \$39.8 million, which includes allocations of \$19.1 million for Human Services, \$3.5 million for Health, \$7.9 million for Behavioral Health, and \$9.3 million for Public Safety.

In order to receive the County General Fund COVID-19 allocation, the County was required to sign and file a certification with the Department of Finance on or before July 10, 2020, pursuant to Provision 3 of Item 9210-110-0001 of the Budget Act of 2020 that the County will adhere to federal guidance, proposed use of funds, the State's stay-at-home requirements and other health requirements as directed in the Governor's Executive Order N-33-20, any subsequent executive orders or statutes, and all California Department of Public Health orders, directives, and guidance issued in response to the COVID-19 pandemic. County Counsel reviewed the certifications for receipt of funds and they were signed by the CEO on July 7, 2020.

PROCUREMENT

Procurement is applicable to Recommendation No. 1, relating to the purchase of two Hi-Pro Scanners for the Central Scanning component of the County's voting system. Dominion Voting Systems was selected as the result of a competitive procurement. The price of the scanners is set by the Board-approved contract No. 19-453.

Procurement is applicable to Recommendation No. 3, relating to Purchasing Department's use of approximately 4,900 square feet of vacant warehouse space located at 295 E. Caroline Street, Suite B, San Bernardino, California. The Use Permit with CCI Club SB, LLC. is considered an emergency use permit and is therefore exempt from the procurement process required by County Policy 12-02 – Leasing Privately Owned Real Property for County Use (Policy) as the Policy does not apply to emergency use permits. On March 10, 2020 (Item No. 75), the County proclaimed the existence of a local emergency within San Bernardino County resulting from COVID-19. Time was of the essence to obtain temporary storage for COVID-19 related supplies and equipment so that the Purchasing Department could deliver supplies to departments in a timely manner in response to the COVID-19 pandemic.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455; Julie Surber, Principal Assistant County Counsel, 387-5455; Suzanne Bryant, Deputy County Counsel, 387-5455; Agnes Cheng, Deputy County Counsel, 387-5455; Adam Ebright, Deputy County Counsel, 387-5455) on July 7, 2020; Human Services Contracts (Jennifer Mulhall-Daudel, Contracts Manager, 388-0241) on June 29, 2020; Risk Management (LeAnna

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Williams, Director, 386-8623) on June 29, 2020; Finance (Stephenie Shea, Administrative Analyst, 387-4919; Wen Mai, Principal Administrative Analyst, 387-4020; Kathleen Gonzalez, Administrative Analyst, 387-5412; Elias Duenas, Administrative Analyst, 387-4055; Joon Cho, Administrative Analyst, 387-5402; and Paul Garcia, Administrative Analyst, 386-8392) on July 7, 2020; County Finance and Administration (Tanya Bratton, Deputy Executive Officer, 388-0332) on June 29, 2020; and Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on July 7, 2020.

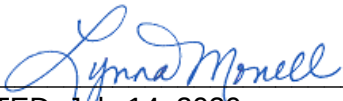
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales
Ayes: Robert A. Lovingood, Janice Rutherford, Curt Hagman, Josie Gonzales
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 14, 2020



cc: CAO- Perry w/agree
RES- Thompson w/agree
PH- Shin w/agree for sign
Contractor- w/agree
File- w/agree
File- Emergency Covid-19 w/attach
la 07/17/2020