

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
SITTING AS THE GOVERNING BOARD OF THE FOLLOWING:
COUNTY OF SAN BERNARDINO
BOARD GOVERNED COUNTY SERVICE AREAS
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF THE FOLLOWING:
BIG BEAR VALLEY RECREATION AND PARK DISTRICT
BLOOMINGTON RECREATION AND PARK DISTRICT
COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY (CoIDA)
IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY
INLAND COUNTIES EMERGENCY MEDICAL AGENCY
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

May 19, 2020

FROM

GARY McBRIDE, Chief Executive Officer, County Administrative Office

SUBJECT

Extension of Authority for Actions Related to COVID-19 Pandemic

RECOMMENDATION(S)

Approve the following actions due to the local emergency within San Bernardino County resulting from the worldwide health threat related to the Novel Coronavirus, or COVID-19:

1. Acting as the governing body of the County of San Bernardino, Board Governed County Service Areas, San Bernardino County Flood Control District, Big Bear Valley Recreation and Park District, Bloomington Recreation and Park District, In-Home Supportive Services Public Authority, Inland Counties Emergency Medical Agency, and the San Bernardino County Fire Protection District, delegate authority to the Chief Executive Officer to modify County operations through June 30, 2020, due to the COVID-19 pandemic, and extend as necessary, subject to ratification by the Board of Supervisors at the next available Board meeting.
2. Acting as the governing body of the County of San Bernardino, Board Governed County Service Areas, San Bernardino County Flood Control District, Big Bear Valley Recreation and Park District, Bloomington Recreation and Park District, In-Home Supportive Services Public Authority, Inland Counties Emergency Medical Agency, and the San Bernardino County Fire Protection District, authorize the Chief Executive Officer, until June 30, 2020, subject to ratification by the Board of Supervisors at the next available Board meeting, to:
 - a. execute or terminate all contracts and amendments to previously-approved contracts to the extent the execution, termination or amendment to such contracts are in

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- excess of the Purchasing Agent authority, so long as the total contract amount does not exceed \$5 million.
- b. apply for and accept any grant awards or donations;
 - c. execute and amend all leases or licenses for use in support of the COVID-19 pandemic response;
 - d. approve any commodity and equipment purchases that would require Board of Supervisors approval under current law, regulations or Board of Supervisors' policies;
 - e. approve and adopt resolutions which may be necessary in support of the COVID-19 pandemic response.
 - f. approve allocations from the mandatory contingencies or the General Purpose Reserve as allowed under the County's declaration of an emergency.
3. Continue the original finding made by the Board of Supervisors on April 21, 2020, that there is substantial evidence that the current state and local emergency, created by COVID-19 and declared by the Governor of California on March 4, 2020, and the County of San Bernardino Board of Supervisors on March 10, 2020, is 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, and will not permit the delay resulting from a formal competitive solicitation of bids to procure construction services for projects necessary to prevent or address the effects of COVID-19, and delegating authority to the Chief Executive officer to direct the Purchasing Agent to issue Purchase Orders and/or contracts, in a total amount not to exceed \$10,000,000, for any emergency construction and modifications of internal and external structures on behalf of Arrowhead Regional Medical Center related to COVID-19 and finding 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).
- (Presenter: Gary McBride, Chief Executive Officer, 387-5417)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

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.

FINANCIAL IMPACT

Recommendations No. 1 and 2

The County is anticipated to incur significant costs resulting from the COVID-19 pandemic. These costs, which are not fully determined at this time, may require the use of additional Discretionary General Funding should federal funding or other sources of funding not be available. On March 24, 2020 (Item No. 67), the Board authorized the Chief Executive Officer (CEO) to use additional Discretionary General Funding (Net County Cost), if necessary. Due to the continued threat of COVID-19, it is being recommended that this authority be extended through June 30, 2020. Should the CEO exercise such authority, a future item will be submitted to the Board of Supervisors (Board) for approval of additional Discretionary General Funding.

Recommendation No. 3

Continuing the finding of this emergency under Recommendation No. 3 will not result in the use of additional Discretionary General Funding (Net County Cost). The previously approved Budget of \$10,000,000 will be utilized for the emergency construction and modification of internal or external structures to meet the needs of triaging and caring for patients with

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respiratory symptoms related to COVID-19. The costs associated with addressing or preventing the effects of COVID-19 will be reimbursed by the Federal Coronavirus Aid Relief, and Economic Security (CARES) Act funds. No budget adjustments are requested at this time, but will be presented to the Board for consideration at a future date.

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 would appear within the county. On March 10, 2020 (Item No. 75), San Bernardino County proclaimed the existence of a local emergency 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.

Recommendation No. 1

On March 19, 2020, the Governor issued a statewide “Stay-at-Home” Order to help prevent the spread of COVID-19. The County and additional entities (all referred to for purposes of this item as “County”) continues to evaluate staffing needs to ensure vital services remain available to the public. In an effort to slow the spread of COVID-19, County offices have been closed to the public. However, certain County offices are offering services online and over the phone. Recommendation No. 1 will authorize the CEO to make adjustments to County operations, as necessary through June 30, 2020, to respond to stay-at-home orders and future phases of recovery where such restrictions are eased or lifted. This would provide departments the flexibility to respond to public needs.

Recommendation No. 2

Recommendation No. 2 will continue to authorize the CEO to act on specific lease, purchasing, or finance matters necessary for the continuation of County operations, through June 30, 2020, should these matters require a response where time is of the essence. These matters will be presented to the Board for ratification at the next available Board meeting.

Recommendation No. 3

On April 21, 2020 (Item No. 58) the Board issued a finding that there is substantial evidence of the COVID-19 pandemic, which resulted in the declaration of state and local emergencies, is 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, and will not permit the delay resulting from a formal competitive solicitation of bids to procure construction services for projects necessary to prevent or address the effects of COVID-19. Additionally, the Board approved a Recommended Budget of \$10,000,000 to be utilized for emergency construction and modifications of internal and external structures to meet the needs of the COVID-19 emergency that will be reimbursed by federal and state emergency funds, and

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approved Resolution No. 2020-43 authorizing the Purchasing Agent, subject to CEO approval, to issue Purchase Orders and/or contracts, in a total amount not to exceed \$10,000,000, for any emergency construction and modifications of internal and external structures on behalf of ARMC related to COVID-19, and finding 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.

No Purchase Orders and/or contracts have been issued since the Board's original findings and authorizations on April 21, 2020. However, the COVID-19 pandemic continues to be a global threat, having widespread impact in California, including the County of San Bernardino (County). State and Local Emergency declarations are still in place, including but not limited to the Board's March 10, 2020 Proclamation of Existence of a Local Emergency pursuant to Government Code Section 8630 due to the COVID-19 pandemic. The likelihood remains that the County will need to immediately procure construction services to prevent and address the effects of COVID-19. The purpose of the recommended action is to prepare and set authority in place to expedite COVID-19 related construction projects at ARMC. When a project arises the project will be discussed with the CEO, Purchasing and County Counsel. The requirements of the Government Code and/or Public Contract Code, including but not limited to competitive bidding, could prevent the County from undertaking these projects in an effective and expeditious manner.

Emergencies related to Public Contract Code Section 22050, once ordered, must be affirmed at each subsequent meeting until terminated. The recommended action will meet this requirement, and continue to enable ARMC to prepare for and respond to COVID-19 issues, by giving it the authority to expedite COVID-19 related construction projects at ARMC.

PROCUREMENT

Procurement is applicable to Recommendation No. 3. When a project is necessary to address the effects of COVID-19, the Real Estate Services Department (RES D) shall prepare a scope of work for approval by the CEO, prepare a quote and/or contract to be signed by the contractor and attached to a Purchase Order request, finalize the Purchase Order with the Purchasing Department, and then engage the architect, engineer and/or contractor to provide the required construction services. Applicable provisions of the Government Code and Public Contract Code shall not apply. Any such projects initiated by RES D shall be submitted to the Board and presented for ratification by RES D at the next available meeting.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455; Katherine Hardy, Deputy County Counsel, 387-5437) on May 14, 2020; Purchasing Department (Laurie Rozko, Director, 387-2074) on May 7, 2020; ARMC (William Gilbert, Director, 580-6150) on May 5, 2020; Real Estate Services (Jennifer Costa, Assistant Director, 387-5380) on May 8, 2020, Finance (Stephenie Shea, Administrative Analyst, 387-4919; Wen Mai, Principal Administrative Analyst, 387-4020) on May 8, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 12, 2020.

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

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Board Governed County Service Areas

Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

Record of Action of the Board of Directors
Big Bear Valley Recreation and Park District

Record of Action of the Board of Directors
Bloomington Recreation and Park District

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County Industrial Development Authority (CoIDA)

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Inland Counties Emergency Medical Agency (ICEMA)

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD/SECRETARY

BY  _____
DATED: May 19, 2020

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cc: File- Emergency Covid-19
la 05/28/2020