

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

**August 20, 2024**

**FROM**

**STEPHENIE SHEA, Registrar of Voters**

**SUBJECT**

Agreement with SMG Ontario, LLC for the Use of the Ontario Convention Center as an Early Vote Site

**RECOMMENDATION(S)**

Approve facility use **Agreement No. 24-752** with SMG Ontario, LLC for the use of its facility as an Early Vote site, for the November 5, 2024 Presidential General Election, for the period of October 9, 2024 through November 8, 2024, in the amount not to exceed \$17,000.

(Presenter: Stephenie Shea, Registrar of Voters, 387-2100)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Improve County Government Operations.**

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

**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). A portion of election expenses are billed to local jurisdictions - cities, school districts, and special districts - based upon the number of contests on the ballot and the number of registered voters for each contest. Adequate appropriation and revenue have been included in Registrar of Voters' (ROV) 2024-25 budget.

**BACKGROUND INFORMATION**

On January 11, 2022 (Item No. 35), the Board of Supervisors (Board) approved a facility use agreement template for facilities needed to administer elections, for a term not to exceed four years and rental cost not to exceed \$10,000 per month.

Government Code section 25350.51 allows the Board to delegate to the Purchasing Agent or other appropriate County official the authority to lease real property for use by the County or to obtain use of real property for the County by license for a term not to exceed five years and for a rental not to exceed \$10,000 per month. ROV is presenting this recommended agreement for the Board's consideration because the cost associated with the rental is more than the delegated authority of \$10,000 per month.

On October 24, 2023 (Item No. 64), the Board approved Agreement No. 23-1175 with SMG Ontario, LLC for the use of the Ontario Convention Center (Site) as an early vote site for the March 5, 2024 Presidential Primary Election, in an amount not to exceed \$17,000. ROV has used this Site as an early vote site for previous elections, but the agreement with this Site

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August 20, 2024**

exceeded the threshold under Government Code section 25350.51, beginning with the March 5, 2024 Presidential Primary Election.

For each countywide election, ROV works to secure approximately 300 polling places, approximately 25 election supply depot sites, five early vote sites, and 15 to 20 poll worker training locations. ROV has begun to identify and secure polling locations for the November 5, 2024 Presidential General Election. This Site has provided registered voters the opportunity to cast a ballot approximately seven days before Election Day. The agreement's effective date of October 9, 2024, will allow ROV time to set up the location for training and services.

ROV has researched alternate locations in this area and the Site was selected to allow ROV to continue to use this location as an early vote site due to its central location in the west-end of the county, and adequate parking and room size to accommodate many voters.

The facility use agreement (Agreement) has terms that differ from the standard County contract, which require Board approval. The non-standard terms are as follows:

1. The Agreement requires the County to have \$2,000,000 insurance coverage.
  - The County standard contract provides for the County to have \$1,000,000 insurance coverage.
  - Potential Impact: The County will be liable for up to \$2,000,000 if any damages occur. Risk Management has reviewed and approved the Agreement, pursuant to County Policy 11-05.
2. The Agreement provides that the prevailing party in any action or proceeding brought to enforce or interpret any provision of the Agreement or to recover damages resulting from breach shall be awarded reasonable attorneys' fees, court costs, in addition to any other similar compensation.
  - The County standard contract provides that neither party is responsible to pay for the other party's attorney's fees and costs, except for indemnity obligations.
  - Potential Impact: If a dispute arises, the County will have to pay attorney fees if it is not the prevailing party in the dispute.

The Department recommends the approval of the Agreement with SMG Ontario, LLC, including non-standard terms, because the Site is located centrally in the west-end of the county and the size of the location provides ample parking to accommodate many voters.

**PROCUREMENT**

Purchasing supports this non-competitive procurement based on functional specifications. The Ontario Convention Center is the only facility in the area capable of accommodating the estimated number of voters in this geographic location. It offers ample space and is well-equipped to handle the volume and needs of the County.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Jolena Grider, Deputy County Counsel, 387-5455) on August 12, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on August 12, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on August 12, 2024; Finance (Elias Duenas, Administrative Analyst, 387-4378) on August 12, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on August 12, 2024.

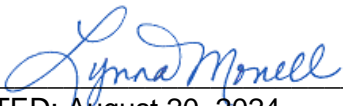
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: August 20, 2024



cc: ROV - Shea w/agree  
Contractor - c/o ROV w/agree  
File - w/agree  
CCM 08/20/2024