

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

July 13, 2021

**FROM**

**BOB PAGE, Registrar of Voters**

**SUBJECT**

Agreements for County Use of Real Property for Election Purposes

**RECOMMENDATION(S)**

1. Adopt Resolution pursuant to California Government Code section 25350.51, authorizing the Chief Executive Officer to execute lease agreements or use permits for County use of real property for election purposes for the September 14, 2021 California Gubernatorial Recall Election and a rental cost not to exceed \$10,000 per month with the Resolution expiring on November 1, 2021.
2. Approve use agreement template for facilities needed to administer elections, including polling places, early vote sites, and poll worker training locations for the September 14, 2021 California Gubernatorial Recall Election and a rental cost not to exceed \$10,000 per month.
3. Authorize the Chief Executive Officer to waive any and all standard County contract terms when executing use agreements for facilities needed to administer the September 14, 2021 California Gubernatorial Recall Election, upon consultation with County Counsel and Risk Management.

(Presenter: Bob Page, 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). The State appropriated ~~\$243.6215~~ million in its adopted 2021-22 budget to finance recall election costs for all counties. It is anticipated that the revenue received from the ~~s~~State will fully fund the County's cost to conduct the recall election. Adequate appropriation and revenue will be included in a future budget adjustment presented to the Board for approval.

**BACKGROUND INFORMATION**

The recommended Resolution, use agreement template, and delegation of authority will enable the Registrar of Voters (ROV) to secure the facilities needed to conduct the September 14, 2021 California Gubernatorial Recall Election to ensure voters have sufficient access to cast a ballot and receive service from trained poll workers.

For the recall election, ROV has been working since May 2021 to secure about 400 polling places, five early vote sites, and 16 poll worker training locations. A majority of the property owners contacted by ROV had been unwilling to confirm the use of their facilities until a date for the recall election was known. On Thursday, July 1, 2021, Lieutenant Governor Kounalakis proclaimed the recall election would be held on September 14, 2021 – 75 days from the date she issued the

proclamation. ROV typically starts working to secure voting locations for statewide primary and general elections at least six months prior to the date of the primary election.

Poll worker training is scheduled to start the week of July 19, 2021. Polling places and early voting sites must be confirmed by July 30, 2021, in order to meet vendor deadlines to mail County Voter Information Guides before ballots are mailed on August 16, 2021. California Elections Code section 13303 requires voting locations to be printed in the County Voter Information Guides.

Given the condensed timeline to conduct the recall election, ROV, County Counsel, Purchasing, Risk Management, and the County Administrative Office have been discussing how to best execute the hundreds of facility use agreements in compliance with State law.

Government Code section 25350.51 allows the Board of Supervisors (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.

On November 7, 2000 (Item No. 54), the Board adopted Resolution No. 2000-248, authorizing the Chief Executive Officer (CEO) to lease real property for use by the County of a term equal to or less than three years, with a rental equal to or less than \$2,500 per month and a premises of less than 5,000 square feet.

#### Recommendation No. 1

The recommended Resolution would only apply to facilities used for purposes associated with conducting the recall election, leaving the provisions of Resolution No. 2000-248 in effect for all other County uses of real property. ROV requests amended delegated authority for recall election purposes, because:

- Voting locations larger than 5,000 square feet enable ROV to better and more efficiently serve voters during an election. About 20 of the locations ROV has contacted for the recall election are larger than 5,000 square feet. The Resolution does not include a limit on square footage to allow ROV to use all available facilities for the election. Government Code section 25350.51 does not place a limit on square footage either.
- Of the voting locations ROV has contacted for the recall election, one has already quoted a cost that exceeds \$2,500. Most locations have not yet provided a rental amount, but ROV expects additional quotes will exceed \$2,500.

The recommended resolution will expire on November 1, 2021 and it is anticipated that no lease agreement or use permit will extend past September 30, 2021.

#### Recommendation No. 2

About half of the facility owners contacted do not have a use agreement that they require the County to sign. The recommended County template use agreement will ensure basic terms – term and cost – and liability protections are agreed to in writing.

#### Recommendation No. 3

About half of the facility owners contacted, including cities and school districts, have their own use agreement they require the County to execute in order to use their facilities. All agreements are reviewed by County Counsel. Any agreements that contain terms that are not standard County contract terms will be identified for negotiation. If the property owner will not agree to a standard County term, the agreement will be forwarded to Risk Management for evaluation. This process will also be used if any facility owner seeks to negotiate an amendment to the County template use agreement.

It is recommended that the Board authorize the Chief Executive Officer to waive any and all standard County contract terms in these use agreements as the availability of suitable facilities for voting locations in many communities in the county is limited. To ensure voters throughout the county have sufficient access to a voting location, some compromise on agreement terms is required.

Upon expiration of the adopted resolution, ROV will return to the Board with an agenda item summarizing all lease agreements or use permits executed under the resolution.

**PROCUREMENT**

N/A.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Jolena Grider, Deputy County Counsel, 387-5455) on July 9, 2021; Purchasing (Leo Gomez, Purchasing Manager, 387-2063) on July 9, 2021; Risk Management (Victor Tordesillas, Interim Director, 386-8623) on July 9, 2021; Finance (Yael Verduzco, Administrative Analyst, 387-5423) on July 9, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on July 9, 2021