



# San Bernardino County

## Legislation Text

---

**File #: 4545, Agenda Item #: 22**

---

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

**July 13, 2021**

#### **FROM**

**LEONARD X. HERNANDEZ, 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 by the Board of Supervisors initially on March 24, 2020 (Item No. 67), and extended on May 19, 2020 (Item No. 105), June 23, 2020 (Item No. 124), July 28, 2020 (Item No. 72), August 25, 2020 (Item No. 71), September 29, 2020 (Item No. 79), October 27, 2020 (Item No. 96), November 17, 2020 (Item No. 99), December 15, 2020 (Item No. 80), January 26, 2021 (Item No. 67), February 9, 2021 (Item No. 75), March 9, 2021 (Item No. 53), April 6, 2021 (Item No. 51), May 18, 2021 (Item No. 101), and June 22, 2021 (Item No. 119) and on November 17, 2020 (Item No. 98), January 26, 2021 (Item No. 68), February 9, 2021 (Item No. 76), March 9, 2021 (Item No. 54), April 6, 2021 (Item No. 52), May 18, 2021 (Item No. 102), and June 22, 2021 (Item No. 120) for non-standard contract terms for purchases, in approving the following actions in response to the worldwide health threat related to the Novel Coronavirus, or COVID-19:

1. Ratify non-financial Memorandum of Understanding with Health Net of California, Inc. for assistance in staffing and providing a COVID-19 vaccination clinic on June 19, 2021, at Anthony Munoz Community Park in Ontario, executed by the Chief Executive Officer on June 14, 2021.
2. Ratify Amendment No. 2 to the Purchase and Sale Agreement and Escrow Instructions for Auction Sales, Contract No. 19-820, with the David Wiener Trust to confirm the second extension of the Entitlement Period for a term not to exceed December 22, 2021, for no cost, relating to four parcels consisting of approximately 3.62 acres situated at the southeast corner of Cedar Avenue and Slover Avenue in the unincorporated Bloomington area, executed by the Chief Executive Officer on June 21, 2021.
3. Ratify Non-Financial Data Use Agreement with California Department of Public Health for access to the Collaboration and Response Dashboard, which will increase the department's ability for strategic planning to COVID-19 vaccination efforts throughout San Bernardino County, executed by the Chief Executive Officer on June 14, 2021.
4. Ratify Amendment No. 1 to Non-Financial Memorandum of Understanding, Contract No. 21-194, with the California Department of Public Health for Case Investigation and Contact Tracing in San Bernardino County for COVID-19, executed by the Chief Executive Officer on June 29, 2021.

(Presenter: Leonard X. Hernandez, Chief Executive Officer, 387-5417)

#### **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.**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**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 will not 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**

The recommended Memorandum of Understanding (MOU) is non-financial; as such, it does not impact Discretionary General Funding (Net County Cost).

**Recommendation No. 2**

Approval of this recommendation will not result in the use of additional Discretionary General Funding (Net County Cost). There is no cost associated with this Amendment No. 2. Upon exercise of the second extension of the Entitlement Period, the County will receive revenue in the amount of \$300,000 for a nonrefundable Escrow Extension Deposit pursuant to Amendment No. 1. If the sale is completed, the County will receive an additional \$999,000 for the balance of the purchase price, for total revenue of \$1,299,000, to be deposited in the County General Fund (1161161000).

**Recommendation No. 3**

The recommended California Department of Public Health (CDPH) Data Use Agreement for access to Collaboration and Response Dashboard (CORD) is non-financial in nature and as such, does not impact Discretionary General Funding (Net County Cost).

**Recommendation No. 4**

The recommended amendment to the MOU with CDPH is non-financial in nature and as such, does not impact Discretionary General Funding (Net County Cost).

**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.

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), the Board of Supervisors (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 Chief Executive Officer (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), July 28, 2020 (Item No. 72), August 25, 2020 (Item No. 71), September 29, 2020 (Item No. 79), October 27, 2020 (Item No. 96), November 17, 2020 (Item No. 99), December 15, 2020 (Item No. 80), January 26, 2021 (Item No. 67), February 9, 2021 (Item No. 75), March 9, 2021 (Item No. 53), April 6, 2021 (Item No. 51), May 18, 2021 (Item No. 101), and June 22, 2021 (Item No. 119), the Board extended this authority of the CEO through June 30, 2020, July 31, 2020, August 31, 2020, September 30, 2020, October 31, 2020, November 30, 2020, December 31, 2020, January 31, 2021, February 28, 2021, March 31, 2021, April 30, 2021, May 31, 2021, June 30, 2021 and July 31, 2021 respectively, subject to ratification by the Board at the next available Board meeting. The recommended actions will ratify the authority exercised by the CEO.

#### Recommendation No. 1

To control and suppress severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and COVID-19, the San Bernardino County Department of Public Health (DPH) is collaborating with Health Net of California, Inc. (Health Net) for the provision of COVID-19 vaccination clinics.

The recommended non-financial MOU with Health Net of California, Inc. (Health Net) will assist the County in providing a COVID-19 vaccination clinic at the Anthony Munoz Community Park in Ontario. The recommended MOU establishes guidelines, protocols, and requirements for both DPH and Health Net to work collaboratively to administer the COVID-19 vaccine to the community under the DPH Preparedness and Response Program. Approval of this item will ratify the non-financial MOU with Health Net. County Counsel reviewed the MOU on June 8, 2021, and it was approved by the CEO on June 14, 2021.

#### Recommendation No. 2

The recommended action will ratify Amendment No. 2 to the Purchase and Sale Agreement and Escrow Instructions for Auction Sales, Contract No. 19-820 (PSA), signed by the CEO pursuant to delegated authority provided by the Board on May 18, 2021 (Item No. 101), conveying specified authority to the CEO with respect to executing contract amendments due to the COVID-19 pandemic.

On August 20, 2019 (Item No. 49), the Board declared 3.62 acres of land in Bloomington surplus and authorized its sale by public auction, held October 30, 2019. The David Wiener Trust (Trust) submitted the highest bid. The PSA was executed on December 17, 2019 (Item No. 48), with an Entitlement Period through December 23, 2020. In December 2020, it was clear the Trust's Developer would need more time to complete the entitlements. Therefore, a six-month extension through June 23, 2021, through an Amendment No. 1 to the PSA, was approved by the Board on December 15, 2020. A \$300,000 deposit is due for this First Extended Entitlement Period by June 22, 2021.

Near the conclusion of the First Extended Entitlement Period, it became clear that still more time is needed to complete the entitlements. A Second Extended Entitlement Period, through December 22, 2021, is being requested through the Amendment No. 2.

County Counsel reviewed Amendment No. 2 to the Agreement on June 21, 2021, and it was signed by the CEO on June 21, 2021.

#### Recommendation No. 3

In order to control and suppress SARS-CoV-2 and COVID-19, DPH is collaborating with CDPH. CORD is a COVID-19 tracking digital platform, newly created by the State, developed to provide support to local Counties. CORD acts as a central location for data sets, outreach materials, and toolkits related to COVID-19 outreach campaigns.

CORD is designed to inform, facilitate, and track past and current vaccination outreach efforts statewide.

CORD has the ability to display the State's activities in each County for vaccine efforts with viewing options such as: State-funded Community Based Organizations, local churches, stores, major warehouses, schools, demographic data, and vaccine coverage rates via their data. CORD can highlight gaps in communities where vaccination outreach efforts and resources should be concentrated. The Resources feature contains outreach materials, training guides and toolkits designed to help improve COVID-19 Outreach campaigns and the Help feature allows counties to submit support requests directly to the CORD team.

Approval of this item will ratify the non-financial Data Use Agreement with CDPH that was signed by the Chief Executive Officer on June 14, 2021.

County Policy 11-04 requires approval by the Board for contracts that exceed five years or for contracts that are automatically renewing. This Agreement is for an initial term of two years, and thereafter automatically renews in one-year increments for a maximum term of ten years. The Agreement allows the County to opt not to renew the Agreement upon notice to CDPH.

#### Recommendation No. 4

The amendment to the MOU will allow the continued partnership between CDPH and DPH and will permit for the use of up to 165 State employees for COVID-19 Case Investigation and Contact Tracing (CICT) assistance at no cost to the County through September 30, 2021. In addition, CDPH has updated MOU program language clarifying the duties of State employees to include preventing the spread of COVID-19 or supporting vaccination efforts for COVID-19. Since June 2020, CDPH has been providing CICT assistance to local health jurisdictions through the State's mutual aid system, free of charge.

CDPH, the lead department for the State program, California Connected, is tasked with, and responsible for, the deployment of state's Disaster Service Workers to assist local public health jurisdictions with contact tracing efforts. The MOU established program-specific guidelines and expectations, such as State CICT Personnel assisting the County with CICT work to meet the County's specific needs.

According to CDPH, safe and effective COVID-19 vaccines are one of the most important interventions to end the COVID-19 pandemic. With the introduction of multiple available COVID-19 vaccines, the extensive collaboration between the state, local health departments, and the immunization coalition's vaccination efforts, have contributed to improvements in overall disease trends in San Bernardino County. Case rates, test positivity, transmission rate, hospitalization and ICU admissions have all steadily declined since the surge the County experienced late last year.

On March 9, 2021, the Board ratified approval of County Agreement No. 21-194 for the MOU with CDPH for the provision of CICT assistance by State employees, for the period of December 27, 2020 through June 30, 2021, which was signed by the Chief Executive Officer on January 29, 2021.

The amendment to non-financial MOU with CDPH for continued CICT assistance and additional COVID-19 support is being presented to the Board at this time as the amendment was received from CDPH on June 15, 2021. This is the first date available following the required operational, fiscal, and legal reviews for presentation. Approval by the Board at this time will have no impact on DPH's contact tracing services.

County Counsel reviewed the MOU amendment on June 28, 2021, and it was approved by the CEO on June 29, 2021.

#### **PROCUREMENT**

N/A

#### **REVIEW BY OTHERS**

---

**File #: 4545, Agenda Item #: 22**

---

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455; Robert Messinger, Principal Assistant County Counsel, 387-8979; Adam Ebright, Deputy County Counsel, 387-5455) on July 2, 2021; Finance (Paul Garcia, Administrative Analyst, 386-8392; Carl Lofton, Administrative Analyst, 387-5404; Christopher Lange, Administrative Analyst, 386-8393; Stephenie Shea, Administrative Analyst, 387-4919) on June 30, 2021; and County Finance and Administration (Tanya Bratton, Deputy Executive Officer, 388-0332; Matthew Erickson, County Chief Financial Officer, 387-5423) on June 30, 2021.