



San Bernardino County

Legislation Text

File #: 4618, Agenda Item #: 24

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

July 27, 2021

FROM

LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office

SUBJECT

Agreement with California Fair Political Practices Commission to Enforce County Campaign Finance Reform Ordinance

RECOMMENDATION(S)

Approve the State of California - Department of General Services Standard Agreement with the California Fair Political Practices Commission in the amount not to exceed \$400,000, for the term of January 1, 2021, through December 31, 2022, for the enforcement of the County of San Bernardino Campaign Finance Reform Ordinance.

(Presenter: Leonard X. Hernandez, 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.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Under the recommended agreement, the County will pay a base fee of \$55,000 per calendar year, and would be billed at pre-approved hourly rates for any work exceeding the flat amount. The total contract amount would not exceed \$400,000 over the two-year contract. Adequate appropriation and revenue have been included in the County Administrative Office's 2021-22 budget, and will be included in the 2022-23 recommended budget.

BACKGROUND INFORMATION

On August 28, 2012 (Item No. 45), the Board of Supervisors (Board) adopted the Campaign Finance Reform Ordinance, which established a campaign contribution limit for all candidates for elected County offices and certain other related requirements. The contribution limit is based on the limit for candidates for Assembly as set forth in the Political Reform Act. Primary and general elections are considered separate elections. Government Code section 83123.5 (derived from Assembly Bill No. 2146, originally sponsored by then Assembly Member Paul Cook in 2012) authorizes the Fair Political Practices Commission ("FPPC") to enforce the County's Campaign Finance Reform Ordinance (the "Ordinance") upon an agreement between the parties. The County has contracted with the FPPC for such services under the State of California - Department of

General Services Standard Agreement (Agreement) since January 1, 2013. The Board approved contracts and amendments on December 18, 2012 (Item No. 35), January 28, 2014 (Item No. 63), December 2, 2014 (Item No. 18), February 10, 2015 (Item No. 21), December 20, 2016 (Item No. 32), and December 18, 2018 (Item No. 27).

At the outset, the Board determined that having the FPPC administratively and civilly enforce the ordinance would be less costly to the County, would result in more efficient and effective enforcement, and would enable the County to benefit from the FPPC's expertise. The initial contract amount was \$493,296. In subsequent contract terms, the contract amount was reduced to as little as \$300,000. However, for the Agreement approved by the Board on December 18, 2018 (Item No. 27), the FPPC revised this Agreement further so that the language was standardized and aligned with the administrative standards of the State of California. The scope and contract term of the Agreement remained unchanged, while the amount of the Agreement increased from \$300,000 for the 2-year life of the Agreement to \$400,000 for the same period. This still represented a savings of \$93,296 over the initial contract amount that was determined to be cost effective at that time. During this time, the FPPC continued to provide nominal services and invoice the County. On July 18, 2019, the FPPC approved the agreement that was presented to the Board for approval on September 10, 2019 (Item No. 26).

Under Recommendation No. 1, the proposed agreement with the FPPC authorizes the FPPC to enforce the Campaign Finance Reform Ordinance (County Code sections 12.4301 through 12.4319) for the period January 1, 2021, through December 31, 2022. The most recent agreement expired December 31, 2020.

This Agreement is being presented retroactively to the Board for approval due to the vacancy and turnover of certain positions at the FPPC, resulting in delays in processing the proposed Agreement under Recommendation No. 1, and further discussions initiated by the County on the work performed under the Agreement. FPPC has continued to provide nominal services and invoice the County during this time, and there has been no break in service.

The new agreement contains no substantive difference in the scope of services provided by the FPPC.

PROCUREMENT

The Agreement with FPPC is the result of a non-competitive procurement since the FPPC adjusts the contribution limits and enforces the Campaign Finance Reform Ordinance per County Code sections 12.4301 through 12.4319. Per County Policy 11-04, competitive and non-competitive purchases of goods and services where the aggregate cost, per scope of services, per vendor, per department, in excess of \$200,000 must be approved by the Board.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Robert F. Messinger, Chief Assistant County Counsel, 387-5455) on July 13, 2021; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on April 26, 2021; Finance (Stephenie Shea, Administrative Analyst, 387-4919) on July 13, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on July 13, 2021.