



San Bernardino County

Legislation Text

File #: 5021, Agenda Item #: 30

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

October 26, 2021

FROM

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

SUBJECT

Updates to County Policy Manual

RECOMMENDATION(S)

Approve the following updates to the County of San Bernardino Policy Manual:

1. Repeal Policy 02-04 Board Meeting Agendas
2. Repeal Policy 02-05 Submitting Items for Board of Supervisors Action
3. Repeal Policy 02-08 Documenting Board Decisions
4. Amend and Restate Policy 11-12, to replace existing Policy 11-12 and 11-12SP Civil Rights, Disadvantaged Business Enterprise and Other Requirements on United States Department of Transportation Assisted Projects
5. Amend Policy 12-10 Flying the United States Flag at Half-Staff/Half-Mast
6. Repeal Policy 12-21 Condemnation Resolutions
(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.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

The Policy Manual documents policy direction from the Board of Supervisors (Board) on a broad array of topics. Board-approved policies are often implemented through the use of Standard Practices (SP), which are approved by the Chief Executive Officer (CEO) and incorporated into the Policy Manual.

In order to facilitate the review of County policies, the County has established a Policy Review Committee (Committee) to evaluate requests for new policies and conduct ongoing review and update of existing policies. The Committee includes representation from various departments as follows:

POLICY REVIEW COMMITTEE	
Auditor-Controller/Treasurer/Tax Collector	Innovation and Technology
Clerk of the Board of Supervisors	Public Works
County Administrative Office	Public Defender/Law & Justice
County Counsel	Purchasing
Finance and Administration	Real Estate Services
Human Resources	San Bernardino County Fire Protection District
Human Services	

The Committee recommends amendments to Section 2, Board of Supervisors: Governance, Meeting Agendas & Protocol, and Board Appointments; Section 11: Procurement and Contracting; and Section 12: County Property and Facilities: Planning, Use and Improvement, of the County Policy Manual as follows:

Policy	Title	Action	Description of Action
02-04	Board Meeting Agendas	Rescind	Repeal of this policy is appropriate because this policy is obsolete. County Code Section 12.0101 addresses the relevant topics contained in this policy.
02-05	Submitting Board Items for Board of Supervisors Action	Rescind	Repeal of this policy is appropriate because this policy is obsolete. County Code Section 12.0101 addresses the relevant topics contained in this policy.
02-08	Documenting Board Decisions	Rescind	Repeal of this policy is appropriate because this policy is obsolete. County Code Section 12.0101 addresses the relevant topics contained in this policy.
11-12	Civil Rights, Disadvantaged Business Enterprise and Other Requirements on United States Department of Transportation Assisted Projects	Amend and Restate	Amendment to the policy is appropriate to update and address various topics such as Title VI of the Civil Rights Act of 1964, Americans With Disabilities Act (ADA), Equal Employment Opportunity, and Disadvantaged Business Enterprise (DBE). This will be done through an amended and restated policy to replace existing Policy 11-12 and 11-12SP with one policy, Policy 11-12.
12-10	Flying the United States Flag At "Half-Staff/Half-Mast"	Amend	Update to the policy is appropriate to reflect references to "San Bernardino County" and the "Chair of the Board of Supervisors". Otherwise, this policy is still in alignment with federal laws relating to flying the flag of the United States.

12-21	Condemnation Resolutions	Rescind	Repeal of this policy is appropriate because this policy is obsolete. California Code (Code of Civ. Proc. 1245.240) states the voting requirements for the Board of Supervisors on condemnation/eminent domain matters. In addition, the Clerk of the Board performs a roll-call vote in remote hearings.
-------	--------------------------	---------	---

Policy 11-12 also includes the following identification of staff and delegation actions:

- Delegation of Board authority to the CEO to make updates to the contact information or any other clerical changes in the Title VI Nondiscrimination Policy Statement.
- Designates the County’s Title VI Coordinator as the County’s Deputy Director for Transportation, Department of Public Works.
- Identifies the County’s Director of the Department of Risk Management as the Primary Public Access ADA Coordinator/Liaison Officer and the County’s Department of Public Works Engineering Manager for the Transportation Planning Division as the alternate Public Access ADA Coordinator/Liaison Officer.
- Authorizes the County’s Director of the Department of Risk Management as the Primary Public Access ADA Coordinator/Liaison Officer and the County’s Department of Public Works Engineering Manager for the Transportation Planning Division as the alternate Public Access ADA Coordinator/Liaison Officer to complete and sign the California Department of Transportation (Caltrans) Exhibit 9-C “Local Agency ADA Annual Certification Form”, which must be submitted to Caltrans by June 30th of each year for the following Federal Fiscal Year (October 1st to September 30th).
- Cross-references Policy 07-08 and identifies the officer in Policy 07-08 as the County’s Equal Employment Opportunity Liaison Officer.
- On Department of Airports projects that receive federal-aid and are subject to Title 49, Code of Federal Regulations (CFR) Part 26, in addition to any applicable Caltrans requirements, Policy 11-12 provides the CEO the authority to approve, execute, and amend from time-to-time a “County Airports Disadvantaged Business Enterprise (DBE) Plan” that is consistent with the terms of Title 49 CFR Part 26 and County policies.
- Designates the Engineering Manager for the Contracts Division of the Department of Public Works as the County’s DBE Liaison Officer.
- Delegates to the County’s DBE Liaison Officer the authority to complete, sign, and submit to Caltrans, Local Assistance Procedures Manual (LAPM) Exhibit 9-A, or any nonsubstantive amendments to said agreement to formally acknowledge the County’s commitment to implement Caltrans DBE Program and to comply with all of the applicable responsibilities.
- Authorizes the County’s DBE Liaison Officer to complete, sign, and submit to Caltrans on an annual basis Caltrans LAPM Exhibit 9-B “Local Agency DBE Annual Submittal Form.”
- Delegates to the Director of the Department of Public Works and the Director of the Department of Airports the authority to require one of the three methods identified in Title 49 CFR Section 26.29 to be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime

contractor or subcontractor to a subcontractor.

- Identifies the County's Reconsideration Official as the Deputy Director of the Department of Public Works, Solid Waste Management Division.

Policy 11-12 also approves and/or adopts by reference the terms and procedures in the following Caltrans documents, all of which are found in Chapter 9 of the Caltrans LAPM and attached to this item:

- Caltrans LAPM Exhibit 9-A "DBE Implementation Agreement for Local Agencies."
- Caltrans LAPM Exhibit 9-B "Local Agency DBE Annual Submittal Form."
- Caltrans LAPM Exhibit 9-C "Local Agency ADA Annual Certification Form."
- Caltrans LAPM Exhibit 9-G "Sample Procedure for Good Faith Efforts" for projects subject to the Caltrans DBE Program.
- Caltrans LAPM Exhibit 9-H "Sample Procedure for Reconsideration Hearing" for projects subject to the Caltrans DBE Program with one modification (instead of a three-person reconsideration panel, there shall only be one County Reconsideration Official).

Other actions related to implementation of Policy 11-12 will be brought forward to the Board for approval at a future date.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, Scott Runyan, Supervising Deputy County Counsel, 387-5455) on October 20, 2021; Risk Management (Victor Tordesillas, Interim Director, 386-8730) on October 21, 2021; Finance (Stephenie Shea, Administrative Analyst, 387-4919) on September 29, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on October 7, 2021.