



San Bernardino County

Legislation Text

File #: 5540, Agenda Item #: 68

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
SITTING AS THE GOVERNING BOARD OF THE FOLLOWING:
SAN BERNARDINO COUNTY
BOARD GOVERNED COUNTY SERVICE AREAS
AND RECORD OF ACTION**

February 8, 2022

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 on January 25, 2022 (Item No. 58), and the Chief Executive Officer's exercise of authority for non-standard terms for contract purchases granted by the Board of Supervisors on January 25, 2022 (Item No. 59) in approving the following actions in response to the worldwide health threat related to the Novel Coronavirus, or COVID-19:

1. Acting as the governing body of San Bernardino County:
 - a. Ratify Arrowhead Regional Medical Center's Amendment No. 3 to the California Contracted Medical Staff Services Agreement No. 20-1246 with the California Emergency Medical Services Authority for the provision of additional medical staffing resources in response to the COVID-19 pandemic, updating staff classifications and hourly rates, with no change to the aggregate not to exceed contract amount of \$5,000,000, and no change to the contract term of December 1, 2020 until the Governor declares an end to the State of Emergency declared on March 4, 2020, approved by the Chief Executive Officer on January 14, 2022.
 - b. Ratify a Use Permit with OptumServe Health Services, Inc. for the no-fee use of 1,600 square feet of County-owned parking area located at 172 West 3rd Street in San Bernardino for the period of January 18, 2022 through March 31, 2022, to park a bus that will serve as a walk-up COVID-19 testing site, approved by the Chief Executive Officer on January 25, 2022.
 - c. Ratify a Use Permit with OptumServe Health Services, Inc. for the no-fee use of 1,600 square feet of County-owned parking area located at 400 North Pepper Avenue in Colton for the period of January 19, 2022 through March 31, 2022, to park a bus that will serve as a walk-up COVID-19 testing site, approved by the Chief Executive Officer on January 25, 2022.
2. Acting as the governing body of Board Governed County Service Areas ratify the submission of California Water and Wastewater Arrearage Payment Program Applications to the State Water Resources Control Board requesting a total of \$243,474.57 in funding for County Service Area 42 - Oro Grande, County Service Area 64 - Spring Valley Lake, County Service Area 70 CG - Cedar Glen, County Service Area 70 W-3 - Hacienda Heights, County Service Area 70 W-4 - Pioneertown, County Service Area 70F - Little Morongo, and County Service Area 70J - Oak Hills, approved by the Chief Operating Officer on behalf of the Chief Executive Officer on January 4, 2022.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

Focus on Recovery and Resiliency Following Major Emergency Responses such as the December 2, 2015 Terrorist Attack (SB Strong) and the Global COVID-19 Pandemic.

FINANCIAL IMPACT

Approval of the recommendations will not result in the use of additional Discretionary General Funding (Net County Cost). Sufficient appropriation, if necessary, as detailed below, will be included in the respective department's future recommended budgets.

Recommendation No. 1.a

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost) as no additional funds are requested at this time. The contract with the California Emergency Medical Services Authority is funded by State Medi-Cal, Federal Medicare, private insurances, and other departmental revenues. Funding sources may change in the future pending any legislative activity related to the repeal and/or replacement of the Affordable Care Act. Approval of the necessary appropriation and revenue adjustments are not requested at this time but will be included in a future quarterly countywide budget report presented to the Board of Supervisors (Board) for approval, if necessary.

Recommendation Nos. 1.b and 1.c

Ratification of Recommendation Nos. 1.b and 1.c will not result in the use of Discretionary General Funding (Net County Cost). No costs to the County are associated with the use of either County-owned parking areas by OptumServe Health Services, Inc. (Optum) under the two no-fee Use Permits.

Recommendation No. 2

Approval of the recommendation will not result in the use of additional Discretionary General Funding (Net County Cost). Approval of the necessary revenue adjustments are not requested at this time but will be included in a future quarterly countywide budget report presented to the Board for approval, if necessary.

The Department of Public Works - Special Districts, Water and Sanitation Division (DPW-SD) will not return to the Board for acceptance of funds, if received, as there is no further acceptance requirement from the State Water Resources Control Board (SWRCB) to receive these funds. If approved, funds will be distributed directly from the SWRCB to the Department upon approval of California Water and Wastewater Arrearage Payment Program (Program) applications. Per the Water Arrearage program guidelines, funds are likely to be distributed by the end of February 2022. The amounts requested for each County Service Area (CSA) are indicated in the table below:

County Service Area	Amount
CSA 42 - Oro Grande	\$ 13,809.65
CSA 64 - Spring Valley Lake	\$ 74,869.49
CSA 70 CG - Cedar Glen	\$ 13,606.28
CSA 70 W-3 - Hacienda Heights	\$ 8,304.69
CSA 70 W-4 - Pioneertown	\$ 6,130.22
CSA 70 F - Little Morongo	\$ 12,066.24
CSA 70 J - Oak Hills	\$ 114,688.00
Total	\$ 243,474.57

BACKGROUND INFORMATION

The COVID-19 virus originated 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 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), June 22, 2021 (Item No. 119), July 27, 2021 (Item No. 62), August 24, 2021 (Item No. 62), September 21, 2021 (Item No. 51), October 26, 2021 (Item No. 84), November 16, 2021 (Item No. 72), December 14, 2021 (Item No. 72), and January 25, 2022 (Item No. 58), 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, July 31, 2021, August 31, 2021, September 30, 2021, October 31, 2021, November 30, 2021, December 31, 2021, January 31, 2022, and March 31, 2022 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.a

This recommendation will ratify Amendment No. 3 to the California Contracted Medical Staff Services Agreement No. 20-1246 with California Emergency Medical Services Authority, which provides Arrowhead Regional Medical Center (ARMC) with continued access to medical staffing resources to mitigate personnel shortages as a result of the COVID-19 pandemic. The third amendment specifically replaces Attachment A to update staffing classifications and hourly rates.

In response to the COVID-19 pandemic, the Governor issued a Proclamation of State of Emergency dated March 4, 2020, and Executive Order N-25 dated March 12, 2020. In accordance with the Emergency Declaration and Executive Order, the State has established the California Health Corps to ensure adequate staff for treatment sites experiencing staffing impacts due to the pandemic. As a result, the Agreement with California Emergency Medical Services Authority allows ARMC to request staff from the State in various classifications.

On December 15, 2020 (Item No. 36), the Board ratified Agreement No. 20-1246 with California Emergency Medical Services Authority, which was effective upon signature by the CEO on December 1, 2020, for medical staffing resources to respond to the COVID-19 pandemic, remaining in effect until the Governor declares an end to the State of Emergency declared on March 4, 2020, in an amount not to exceed \$3,000,000.

On February 9, 2021 (Item No. 23), the Board ratified Amendment No. 1 to Agreement No. 20-1246 to provide an updated Exhibit A to the Contracted Medical Staff Services Agreement to include additional classifications and rate increases, with no change to the total contract amount or the contract term.

On December 7, 2021 (Item No. 20), the Board ratified Amendment No. 2 to Agreement No. 20-1246 to provide an updated Exhibit A to the Contracted Medical Staff Services Agreement to include rate increases, amend Section 4 of the Agreement to specify overtime and holiday pay requirements, to increase the contract amount by \$2,000,000, from \$3,000,000 to an aggregate not to exceed \$5,000,000, to cover pending invoices for services provided January 2021 through April 2021, and to provide ARMC with continued access to medical staffing resources, if needed.

County Counsel has reviewed Amendment No. 3 to Agreement No. 20-1246 with the California Emergency Medical Services Authority and it was signed by the CEO on January 14, 2022.

Recommendation Nos. 1.b and 1.c

Recommendation Nos. 1.b and 1.c will each ratify a no-fee Use Permit with Optum for the use of 1,600 square feet of County-owned parking space located at 172 West 3rd Street in San Bernardino for the period of January 18, 2022 through March 31, 2022, and at 400 North Pepper Ave. in Colton for the period of January 19, 2022 through March 31, 2022, respectively, for Optum to park a bus which will serve as a walk-up COVID-19 testing site. The Use Permits were signed by the CEO pursuant to delegated authority last granted by the Board on December 14, 2021 (Item No. 72), due to the COVID-19 pandemic because timing was of the essence due to the shortage of COVID-19 testing sites.

On January 3, 2022, the Department of Public Health requested that the Real Estate Services Department draft two no fee Use Permits with Optum for its use of a portion of the parking areas at the two County-owned properties to park a bus that will serve as a COVID-19 testing site. Optum shall comply with COVID-19 protocols in its use of each of the parking areas.

Staff has reviewed the recommended action pursuant to the California Environmental Quality Act (CEQA) and has determined that it does not constitute a project. Accordingly, no further action is required under CEQA.

County Counsel has reviewed the two Use Permits with Optum, and they were signed by the CEO on January 25, 2022.

Recommendation No. 2

This recommendation will ratify the submission of California Water and Wastewater Arrearage Payment Program applications to the State requesting a total of \$243,474.57 in funding for CSA 42 - Oro Grande, CSA 64 - Spring Valley Lake, CSA 70 CG - Cedar Glen, CSA 70 W-3 - Hacienda Heights, CSA 70 W-4 - Pioneertown, CSA 70 F - Little Morongo, and CSA 70 J - Oak Hills.

The SWRCB provides funding through the Program to permit recovery of revenues lost due to the State of California declared state of emergency and the resulting COVID-19 stay-at-home orders, which prevented the shut-down of water utilities due to non-payment of bills. The Department operates and manages several water systems throughout the unincorporated area of San Bernardino County, which were financially impacted by the COVID-19 pandemic, and would benefit under the Program.

It was recognized that the COVID-19 pandemic financially impacted families and businesses. To help alleviate the financial difficulties during this time, the DPW-SD went to the Board on March 24, 2020 (Item No. 57), to recommend the suspension of water shutoffs to its customers for delinquencies and/or failure to pay during the pandemic.

On April 24, 2020, the Governor of California issued Executive Order N-42-20 to “not discontinue residential service, as defined in Health and Safety Code section 116902, subdivision (c), for no-payment,” and that “water systems shall restore any residential service to occupied residencies that has been discontinued for nonpayment since March 4, 2020”.

The State also recognized that the COVID-19 pandemic has made it difficult for many Californians to pay their bills due to job loss and other hardships. As a result, community water systems that provide water services to customers have been financially impacted. In response, the SWRCB created a \$985 million Program. On August 17, 2021, an arrearages survey for community water systems was requested by the SWRCB asking all community water systems to collect information to help implement the first phase of the Program. The information collected reflected COVID-19 related residential and commercial customer debt and COVID-19 related revenue loss accrued between March 4, 2020 and June 15, 2021. The Program will initially prioritize drinking water residential and commercial arrearages. Per the Water Arrearage Program Guidelines, funding to community water systems will be disbursed by the end of February 2022. If the program still has funding available, it will extend to wastewater residential and commercial arrearages in February 2022.

On October 5, 2021, the Program Application was made available by the SWRCB for community water systems that previously completed the arrearage surveys. Applications were due on December 6, 2021, and signature authorization was required to be received by the SWRCB no later than January 6, 2022. To meet the deadline and remain in compliance with the extension of authority for actions related to the COVID-19 pandemic approved by the Board on December 14, 2021 (Item No. 72), submittal documents were signed by the Chief Operating Officer (COO) on behalf of the CEO. Pursuant to that extension of authority, ratification by the Board is required at the next available Board meeting to apply for any grant awards.

County Counsel has reviewed the Program applications to the SWRCB and the documents were signed by the COO on behalf of the CEO on January 4, 2022.

The SWRCB adopted guidelines for wastewater arrearages on January 19, 2022, and on February 1, 2022, opened another round of Program applications specific to sewer charge arrearages. DPW-SD is expected to submit applications if arrearages exist for CSA 42 - Oro Grande, CSA 64 - Spring Valley Lake, CSA 70 S-3 - Lytle Creek, CSA 79 - Green Valley Lake, CSA 53B - Fawnskin, CSA 82 - Trona, CSA 70 SP-2 - High Country, CSA 70GH - Glen Helen, CSA 70 BL - Bloomington, and CSA 70 S-7 - Lenwood/Barstow.

PROCUREMENT

Recommendation No. 1.a

Procurement is not applicable to Agreement No. 20-1246 for the provision of additional medical staffing resources in response to the COVID-19 pandemic. These staffing resources are provided by the State through an agreement with the California Emergency Medical Services Authority.

Recommendation Nos. 1.b and 1.c

Procurement is not applicable to the Use Permits, which comply with County Policy 12-06, Use of County Facilities by Non-County Organizations.

Recommendation No. 2

Procurement is not applicable to the Program applications to the SWRCB.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel; Aaron Gest, Deputy County Counsel; Charles Phan, Deputy County Counsel; and Agnes Cheng, Deputy County Counsel, 387-5455) on January 28, 2022; Finance (Tom Forster, Administrative Analyst, 387-4635; Chen Wu, Finance and Budget Officer, 580-3165; Wen Mai, Principal Administrative Analyst, 387-4020; and Stephenie Shea, Administrative Analyst, 387-4919) on January 28, 2021; and County Finance and Administration

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(Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423 and Matthew Erickson, County Chief Financial Officer, 387-5423) on January 28, 2022.