



San Bernardino County

Legislation Text

File #: 7590, Agenda Item #: 1

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
BOARD GOVERNED COUNTY SERVICE AREAS
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF THE BIG BEAR VALLEY RECREATION AND PARK DISTRICT
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

March 1, 2023

FROM

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

SUBJECT

Local Emergency - 2023 February/March Extreme Weather

RECOMMENDATION(S)

AMENDED- Acting as the Board of Supervisors and Board of Directors for San Bernardino County, Big Bear Valley Recreation and Park District, Board Governed County Service Areas, San Bernardino County Fire Protection District and San Bernardino County Flood Control District:

1. Find the local emergency declared by the Chief Executive Officer, acting as the Director of Emergency Services, on February 27, 2023, and ratified by the Board of Supervisors on February 28, 2023 (Item No. 81), has created the immediate and emergency need of providing County resources, services and expenditures to provide any and all assistance necessary to ensure the health and welfare of the residents of the impacted areas during the emergency, as well as the provision of County resources, services and expenditures to ensure the public and first responders have access to necessary infrastructure such as grocery stores, gas stations, utilities and public infrastructure.
2. Find that there is substantial evidence that the current local emergency, created by the extreme weather that began on February 22, 2023 and declared by the Chief Executive Officer, acting as the Director of Emergency Services, on February 27, 2023, and ratified by the Board of Supervisors on February 28, 2023 (Item No. 81), is an emergency pursuant to Public Contract Code section 22050, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and essential public services, and will not permit the delay resulting from a formal competitive solicitation of bids to procure construction services for projects necessary to prevent or address the effects of the storm.
3. Approve Resolution authorizing the Purchasing Agent, subject to Chief Executive Officer approval, to issue Purchase Orders and/or contracts, in a total amount not to exceed ~~\$20,000,000~~ \$10,000,000, for any emergency construction and modifications related to the effects of the storm, and find that the issuance of these Purchase Orders and/or contracts is necessary to respond to this emergency pursuant to Public Contract Code sections 22035 and 22050 (Four votes required).

4. Authorize the Director of the Department of Public Works to accept the work when 100% complete and execute and file the Notice of Completion.
5. Authorize the Chair, Chief Executive Officer acting as the Director of Emergency Services, County Chief Financial Officer, or Fire Chief, through April 11, 2023, to approve:
 - a. The provision of County resources, services and the expenditures to provide any and all assistance necessary to ensure the health and welfare of the residents of the impacted areas during the emergency; and
 - b. Approve any and all contracts or agreements, including contracts with non-standard language as identified in County Policy 11-05, Section B, necessary to provide any and all assistance necessary to ensure the health and welfare of the residents of the impacted areas during the emergency, as well as the provision of County resources, services and expenditures to ensure the public and first responders have access to necessary infrastructure such as grocery stores, gas stations, utilities and public infrastructure; and
 - c. The competitive and non-competitive acquisition of any goods and equipment purchases, including unbudgeted fixed assets with a unit value over \$10,000, and personnel/services to support the emergency response to the extreme weather that began on February 22, 2023, that would require Board of Supervisors' approval under current law, regulations or County policies, without changing the Purchasing Agent's authority as granted under County Policy 11-04; and
 - d. Approve allocations from the mandatory contingencies or the General Purpose Reserve as allowed under the County's declaration of an emergency; and
 - e. Approve Transfers of Salaries and Benefits and Fixed Asset Appropriation, to support the emergency response to the extreme weather event that began on February 22, 2023.
6. Authorize the Auditor-Controller/Treasurer/Tax Collector to post adjustments to the 2022-23 Countywide Discretionary Fund budget unit, as detailed in the Financial Impact Section (Four votes required).
7. Direct the Chief Executive Officer to bring all contracts executed under Recommendation Nos. 3 and 5 back to the Board of Supervisors for ratification within 30 days of contract execution.
(Presenter: Leonard X. Hernandez, Chief Executive Officer, 387-4811)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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.

FINANCIAL IMPACT

Approval of this item will result in the use of additional Discretionary General Funding (Net County Cost). This item will authorize the use of \$20,000,000 from General Fund Contingencies to be utilized for emergency response associated with the 2023 February/March Extreme Weather event. Funding will be allocated to the Countywide Discretionary General Fund budget unit and uses of these funds will be centrally managed by the County Administrative Office and County Finance. This will enable the Chief Executive Officer, in consultation with the Chair of the Board of Supervisors (Board), to respond quickly and efficiently to emergency expenses as they arise. As the emergency situation continues to develop, the County will monitor and fully explore all cost recovery and reimbursement options.

Appropriation and revenue adjustments for Countywide Discretionary fund are as follows:

Funds/Cost Center	Commitment Item	Description	Action	Amount
1280001000	56006000	Contingencies	Decrease	(\$20,000,000 10,000,000)

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1161161000	52002135	Special Department Expense	Increase	\$10,000,000 <u>5,000,000</u>
1161161000	55405012	Services and Supplies Transfer Out	Increase	\$5,000,000 <u>2,500,000</u>
1161161000	55305030	Operating Transfers Out	Increase	\$5,000,000 <u>2,500,000</u>

BACKGROUND INFORMATION

On February 22, 2023, the start of an extreme weather event impacted various portions of the County. This event produced conditions of peril to the safety of person and property within the County. On February 27, 2023, the Chief Executive Officer (CEO), while serving as the Director of Emergency Services, proclaimed the existence of a local emergency on February 27, 2023. On February 28, 2023 (Item No. 81), the Board of Supervisors ratified the action of the Director of Emergency Services in proclaiming the existence of a local emergency as a result of the extreme weather event and continued the local emergency for an additional period in accordance with Government Code section 8630(c).

Continuing extreme weather has continued to result in risk to the health and welfare of County residents in the impacted areas. This item will delegate authority to the Chair, CEO and Fire Chief to approve contracts and provide assistance to public infrastructure businesses, such as hospitals, grocery stores, and gasoline stations, to ensure the health, safety and public welfare of County residents in the impacted areas. Executed contracts will be brought back to the Board for ratification within 30 days of execution.

This item waives the Public Contract Code bidding requirements to address any emergency construction and modifications related to the effects of the storm, as immediate action is necessary to ensure the public and first responders have access to necessary infrastructure such as grocery stores, gas stations, utilities and public infrastructure; and protect the health and safety of the public. A delay to solicit competitive bids for their work is not feasible as immediate action is necessary.

The recommendation is that the Board find there is an emergency pursuant to public Contract Code section 22050 that requires immediate action, and pursuant to Public Contract Code section 22035 and 22050 to authorize the Purchasing Agent to issue purchase orders for needed construction or emergency services. Emergencies related to Public Contract Code section 22050, once ordered, must be affirmed at each subsequent meeting until terminated.

PROCUREMENT

In order to facilitate work or repairs needed to ensure the health, safety and public welfare of County residents in the impacted areas, there may be projects that necessitate assistance to public infrastructure businesses, such as hospitals, grocery stores, and gasoline stations, which cannot wait for a formal procurement. Projects necessary to address the effects of the emergency will require departments to prepare a scope of work, quote and/or contract to be approved by the CEO and then signed by the contractor, unless waived by the CEO. A waiver from the property owner would be required. A purchase order will then be requested and finalized by the Purchasing Department to engage the needed consultants or contractors to provide the required services.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on March 1, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, and Matthew Erickson, County Chief Financial Officer, 387-5423) on March 1, 2023.