



San Bernardino County

Legislation Text

File #: 7906, Agenda Item #: 64

**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**

May 9, 2023

FROM

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

SUBJECT

Continuation of Local Emergency - 2023 February/March Extreme Weather

RECOMMENDATION(S)

Acting as the Board of Supervisors for San Bernardino County, Board Governed County Service Areas, and the San Bernardino County Flood Control District, and as the Board of Directors for the Big Bear Valley Recreation and Park District and the San Bernardino County Fire Protection District, continue the finding first made on March 1, 2023, that the extreme weather event that started on February 22, 2023, created 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 extreme weather event, and continue the delegation of authority, originally by Resolution, to the Chief Executive Officer to approve issuance of purchase orders and/or execution of contracts by the Purchasing Agent, in a total amount not-to-exceed \$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).

(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

Continuing the finding of this emergency will not result in the use of additional Discretionary General Funding

(Net County Cost). On March 1, 2023, the Board of Supervisors (Board) approved the use of \$10,000,000 from General Fund Contingencies to be utilized for the emergency response associated with the 2023 February/March Extreme Weather event. Sufficient appropriation is included in the Countywide Discretionary fund. The County will monitor and fully explore all cost recovery and reimbursement options.

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 persons 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 28, 2023 (Item No. 81), the Board 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).

On March 1, 2023 (Item No. 1), the Board declared an emergency pursuant to Public Contract Code section 22050 that requires immediate action, and pursuant to Public Contract Code sections 22035 and 22050, authorized the CEO to approve the issuance of purchase orders and/or execution of contracts by the Purchasing Agent, in an amount not-to-exceed \$10,000,000 for needed construction or emergency services.

On March 14, 2023 (Item No. 67), the Board ratified the Snow Removal Reimbursement Program, initially approved by the CEO under the Board's delegated authority approved on March 1, 2023, to reimburse individuals and businesses in the unincorporated county area for snow removal expenses from private driveways and/or private roads, in an amount not-to-exceed \$500 per address, for a total not-to-exceed amount of \$1,000,000.

On March 28, 2023 (Item No. 66), the Board approved the continuance of the local emergency and approved the County's Mountain Small Business Grants Snow Response Program. This program will provide a one-time \$3,000 grant to Mountain businesses with 50 or fewer full-time employees and a one-time \$15,000 grant to Mountain businesses with greater than 50 but fewer than 500 full-time employees, which meet specific eligibility requirements.

On April 11, 2023 (Item No. 59), the Board approved the continuance of the local emergency and ratified the \$750,000 increase to the County's Snow Removal Reimbursement Program. The increase was initially approved by the CEO on March 31, 2023, for a total not-to-exceed amount of \$1,750,000.

Emergencies related to Public Contract Code section 22050, once ordered, must be affirmed at every subsequent regularly scheduled meeting until the action is terminated. The Recommendation will meet this requirement.

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 where work will be performed. 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 April 20, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive

Officer, and Matthew Erickson, County Chief Financial Officer, 387-5423) on April 21, 2023.