

MOTION BY SUPERVISOR GLORIA MOLINA

January 12, 2010

On May 12, 2009 the Board of Supervisors kicked-off the County's Census Outreach effort and directed each County department to participate in the County's Complete Count efforts wherever appropriate and as requested by the Chief Executive Officer (CEO). Also included on today's Board Agenda is a motion to embrace "You Count!" as the County's Census outreach slogan and to establish Census outreach volunteer activities for County employees as the focus of this year's Cesar Chavez Community Service Week.

The local offices of the U.S. Census Bureau are our close partners in the Census outreach effort, and the Bureau is mounting the most aggressive effort ever to ensure an inclusive and thorough Census count. As part of their Census awareness and assistance effort, the Bureau is establishing dozens of "Be Counted Sites" and "Questionnaire Assistance Centers" (QACs) at various locations throughout the County. Be Counted Sites primarily include information available for the public to read and take home, while the QACs are staffed by Bureau employees who will assist residents with questions about the form and how to complete it.

MOTION

Ridley-Thomas _____

Yaroslavsky _____

Knabe _____

Antonovich _____

Molina _____

The Bureau wishes to use some County facilities for these sites, and in particular, facilities that serve hard-to-count populations or are located in hard-to-count communities. The County should facilitate this worthwhile effort by allowing the Census Bureau a blanket waiver to establish these sites in County facilities after receiving approval from the CEO. The CEO will work with the respective department/facility to ensure that adequate space is available, and that the Census use will not negatively impact the main business of the facility.

I, THEREFORE, MOVE THAT the Board of Supervisors:

1. Find that a portion of County-owned and County-leased facilities will not be needed exclusively for County use while the U.S. Census Bureau establishes Be Counted Sites and Questionnaire Assistance Centers at various locations to be determined by the CEO in conjunction with the user departments at those locations.
2. Find that the Census outreach effort, in the form of the proposed Be Counted Sites and Questionnaire Assistance Center sites, provides a public service that benefits local communities and the County.
3. Authorize the CEO or his designee to execute the attached agreement provided by the U.S. Census Bureau which will allow Bureau personnel, without indemnification, using self-insurance, and on a gratis basis, to use County-owned and County-leased facilities through May 31, 2010, in order to establish Be Counted Sites and Questionnaire Assistance Centers to assist in Census outreach, once the CEO has determined the use will not negatively impact the main business of the selected facilities.

CONDITIONS FOR DONATION OF SERVICES AND SPACE AGREEMENT 2010 Census

The common goal of the U.S. Census Bureau and the Donor is to achieve a complete and accurate count in the 2010 Census.

A. Donation of Space

Under the guidance of the U.S. Census Bureau, the Donor agrees to provide space for a Questionnaire Assistance Center (QAC) within the property of their organization for the purpose of helping those persons who request assistance in completing their 2010 Census questionnaire.

This donation is subject to the following terms and conditions:

1. The Donor will provide space for the QAC at the following times and on the following (days):_____. The U.S. Census Bureau expects peak usage of the Questionnaire Assistance Centers to extend from March 19, 2010 to April 19, 2010. It would be most beneficial to the community if the person working at this QAC spoke the following language: _____.
2. The U.S. Census Bureau will not reimburse the Donor Organization for any expenses related to the provision of the QAC space.
3. Questionnaire assistance will be provided without any charge whatsoever to the respondent.
4. The U.S. Census Bureau will provide a poster and/or a banner to be placed at the authorized Questionnaire Assistance Center, designating those places as U.S. Census Bureau sanctioned assistance centers. A Be Counted box will be available on the premises for the respondent to obtain a Be Counted questionnaire if they did not receive one at their place of residence or they believe they were not added to the census questionnaire sent to their place of residence.
5. The Donor Organization agrees to provide or to arrange for the provision of suitable space to be used as Questionnaire Assistance Centers during the 2010 Census. Questionnaire Assistance Center Representatives (QAC reps) will occupy the space and provide assistance to those respondents who visit the Questionnaire Assistance Centers.

This donation is subject to the following terms and conditions:

1. The _____ (organization) will donate _____ square feet of office space in _____ (building name), at _____ (address), _____ (City, State, and ZIP Code) for a period of ____ (number of weeks), commencing on _____ (date) through _____ (date).
2. The space shall accommodate one (1) desk (or table) and two (2) chairs, in which the QAC rep may interview, privately and undisturbed, the respondent(s) seeking assistance.
3. The space is being donated to the U.S. Census Bureau at no cost to the government.

B. Liability

In the event that injury or damage is caused a U.S. Census Bureau employee while acting within the scope of his or her authority, the incident will be covered under the Federal Tort Claims Act, Title 28 U.S.C. §2671, *et seq.* Any claims arising from such incidents may be filed with the U.S. Census Bureau and will be promptly addressed.

Any injury occurring to a U.S. Census Bureau employee while acting within the scope of his or her employment will be covered under the Federal Employees Compensation Act, Title 5 U.S.C. §8101, *et seq.*

Because the Federal Government is self-insured, it is the U.S. Census Bureau's policy not to purchase or pay for commercial liability insurance. In addition, the Anti-Deficiency Act, Title 31 U.S.C. §1341, *et seq.*, prohibits any Federal agency from undertaking contingent and undetermined liability without funds being appropriated by Congress for such purpose. For this reason, the Government cannot agree to a "hold-harmless" clause nor can it waive the right to sue.

Signature Date

Signature Date

Name – Please print
Donor

Name – Please print
Regional Director, U.S. Census Bureau

Copy distribution: **WHITE** – Assistant Manager for Quality Assurance (AMQA) in the LCO **YELLOW** – Donor of space

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