

AGN. NO. _____

MOTION BY SUPERVISOR KATHRYN BARGER

MARCH 31, 2020

**DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER DURING
DECLARED STATES OF EMERGENCY**

On January 30, 2020, the World Health Organization (WHO) declared the 2019 Novel Coronavirus (COVID-19) outbreak a public health emergency of international concern. On February 26, 2020, the United States Center for Disease Control (US CDC) confirmed a possible first case of community spread of COVID-19 in California and the US. Shortly thereafter on March 4, 2020, the County of Los Angeles (County) Health Officer issued a Declaration of a Public Health Emergency and the Chair of the Board issued a Proclamation of a Local Emergency due to the introduction of COVID-19 cases in the County. Immediately thereafter, Supervisors Barger and Solis introduced a motion to ratify both proclamations which was unanimously adopted by the Board of Supervisors (Board). Four weeks later, the COVID-19 health crisis has become a worldwide pandemic placing the health and safety of County residents at risk unless strategic action is taken. Out of an abundance of caution, the Board has cancelled its regular meetings scheduled for March 17, 2020 and March 24, 2020 to determine how best to conduct the people's business while minimizing the spread of COVID-19.

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MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

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BARGER _____

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March 31, 2020

The next meeting of the Los Angeles County Board of Supervisors is expected to occur on March 31, 2020 at 9:30 a.m. and will be conducted telephonically to enable communication amongst Board members while maintaining the transparency and public access to the meeting in accordance with the Governor's March 18, 2020 Executive Order N-29-20.

As the regional safety net, the County must continue to provide critical services to the residents who rely on us while striking the right balance to ensure the safety of our workforce and those members of the public who seek to attend Board meetings. The County's administrative processes requiring Board approval must move forward. During this time of uncertainty, measures must be implemented to ensure that the Board's and the County's administrative processes continue uninterrupted. One such measure requires the delegation of authority from the Board to the Chief Executive Officer, to expedite execution of critical budgetary, contractual, procurement, and operational transactions necessary for County Departments to meet their missions.

I, THEREFORE MOVE, THAT THE BOARD OF SUPERVISORS:

1. Authorize and delegate authority to the Chief Executive Officer (CEO) or her designee, to approve those budgetary, fiscal, contractual, procurement, and operational actions (Attachment I) so long as each Departmental request has been reviewed pursuant to established protocol.
2. Authorize and delegate authority to the CEO to approve those fiscal, budgetary, contractual, procurement, and operational actions for Special Districts (See Attachment I).
3. Authorize and delegate authority to the CEO to approve requests submitted to the County Office of Emergency Management to procure emergency services and supplies needed to support the County's COVID-19 transmission mitigation efforts under Section 2.68 of the County Code.

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4. Direct the County's Purchasing Agent to work with the Director of the Office of Emergency Management to authorize the Purchasing Agent on behalf of the Departments, as appropriate, to take any procurement or other actions necessary for the expedited acquisition of all goods, including supplies, equipment and services needed to achieve the County Mission during a the COVID-19 state of emergency, while: (i) waiving the open competitive solicitation or bidding requirements, the need for the Purchasing Agent to comply with the County's Sole Source Policy, the need for the Purchasing Agent to obtain the Board's approval for capital asset purchases in excess of \$250,000, and any other Purchasing Policies to the extent legally allowed; (ii) allowing waiver or modification of certain standard terms and conditions, as necessary and appropriate to advance the purposes of this motion; and (iii) delegating authority to the Purchasing Agent to issue purchase orders for services in excess of \$200,000 per vendor per service per year.
5. Direct the CEO to ensure that all items are briefed in cluster meetings prior to approval as well as to provide the Board with a list of approved items each Tuesday.
6. Direct and instruct all other County departments to work with the CEO to expedite necessary actions related to the CEO's delegated authority.

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SUP:KB:rvj

Delegated Authorities to CEO

Continuity of Government

	Issue	Delegated Authority
1	Contracts	Authorize CEO to execute (or terminate) all contracts/agreements and amendments to previously-approved contracts/agreements (including but not limited to: service contracts, master agreements, cooperative agreements, funding agreements, work orders, MOUs, ENAs, and Job Order Contracts). Authorize CEO to approve delegated authority to departments related to approved contracts/agreements. Authorize CEO, and to direct the Internal Services Department (ISD) as the County's Purchasing Agent, as applicable, or the requesting Department, to take any necessary contract and procurement related actions to the extent legally permitted, to: (a) waive the County's open competitive solicitation or bidding requirements, the need to comply with the County's Sole Source Policy, the need to comply with any other County Contracting or Purchasing Policies to the extent legally allowed; and (b) waiving any contractual maximum obligation, contract sum, reserve and contingency fund caps.
2	Construction Agreements	Authorize CEO to award and execute construction agreements necessary for response to the COVID-19 emergency without competitive bidding.
3	Grants and Donations	Authorize CEO to apply for, accept, and implement any grant awards and donations.
4	Budget/Appropriation Adjustments	Authorize the Chief Executive Officer to approve the transfer of appropriation within a budget unit without monetary limitations as long as the overall appropriations of the budget unit are not increased.
5	Leases	Authorize CEO to execute and amend all leases necessary for response to, and as needed during, the COVID-19 emergency.
6	Purchases	Authorize the CEO, and to direct the County's Purchasing Agent, as applicable, and to the extent legally permitted, to (a) approve any purchases that would require Board approval under current law, regulations, or Board policies, (b) take any procurement or other actions necessary for the expedited acquisition of all goods, including supplies, equipment and services needed, while: (i) waiving the County's open competitive solicitation or bidding requirements, the need for the Purchasing Agent to comply with the County's Sole Source Policy, the need for the Purchasing Agent to obtain the Board's approval for capital asset purchases in excess of \$250,000, and any other County Purchasing Policies to the extent legally allowed.
7	Resolutions/Determinations and Findings	Authorize CEO to approve and adopt resolutions and to make any determinations and findings necessary to support and execute other authorities that have been delegated to the CEO, to the extent permitted by law.
8	Agent of the County	Authorize CEO to designate individuals to act as an Agent of the County and perform related tasks.

Delegated Authorities to CEO

Continuity of Government

	Issue	Delegated Authority
9	Special Assessment Districts	Authorize CEO to approve actions related to special assessment districts and approve related actions/resolutions/reports/findings.
10	Plans and Specifications	Authorize CEO to approve all plans and specifications.
11	Property Acquisitions and Sales	Authorize CEO to approve and execute all property acquisitions and sales.
12	Capital Projects	Authorize CEO to approve and establish all Capital Projects.
13	Loans	Authorize CEO to approve all loans.
14	Emergency/Disaster Declarations	Authorize CEO to approve all emergency/disaster declarations in accordance with Section 2.68 of the County Code.
15	Settlements	Authorize CEO to approve all settlements.
16	Operational	Authorize CEO to approve a range of administrative matters including fee waivers, rewards, 120-day retiree rehires.
17	Emergency Actions	Ability to act on all necessary actions related to A-1 items in consultation with the Chair.

**RESOLUTION OF THE BOARD OF SUPERVISORS DELEGATING AUTHORITY TO
ORDER EMERGENCY WORK RELATED TO THE LOCAL EMERGENCY FOR THE
2019 NOVEL CORONAVIRUS TO THE CHIEF EXECUTIVE OFFICER AND TO THE
DIRECTOR OF PUBLIC WORKS**

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors (Board) proclaimed, pursuant to Chapter 2.68 of the Los Angeles County Code, and the Board ratified that same day, the existence of a local emergency because the County of Los Angeles (County) is affected by a public calamity due to conditions of disaster or of extreme peril to the safety of persons and property arising as a result of the introduction of the novel coronavirus ("COVID-19") in Los Angeles County; and

WHEREAS, also on March 4, 2020, California Governor, Gavin Newsom, issued a Proclamation of a State Emergency which, among other things, suspended, in certain respects, applicable provisions of the Government Code and the Public Contract Code, including those related to competitive bidding requirements to the extent necessary to address the effects of COVID-19; and

WHEREAS, also on March 4, 2020, the County Health Officer determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Los Angeles County, and concurrently declared a Local Health Emergency; and

WHEREAS, the mobilization of local resources, the ability to coordinate interagency response, the acceleration of the procurement of vital supplies and infrastructure improvements, including the procurement of construction, alteration, and repair work for new or existing facilities, as well as the procurement of necessary equipment, services and supplies for such purposes, including but not limited to, projects to provide shelter and housing for homeless and other persons, and related projects, will be critical to successfully responding to COVID-19.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AND EX-OFFICIO THE GOVERNING BODY OF ALL OTHER SPECIAL ASSESSMENT AND TAXING DISTRICTS, AGENCIES, AND AUTHORITIES FOR WHICH SAID BOARD SO ACTS, DOES HEREBY PROCLAIM, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: Emergency. Pursuant to Public Contract Code section 1102, the conditions created by COVID-19 constitute a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent and mitigate the loss or impairment of life, health, property, and essential public services. In this regard, the safety and security of people and property within the County require that the County Chief Executive Officer or her designee (CEO) and the County Director of Public Works or his designee (Director) take immediate emergency action to mitigate the threat of COVID-19 by procuring contracts for, or performing with its own forces, the construction or

installation of new facilities and the repair, alteration, or renovation of existing facilities, including but not limited to, shelter and housing for homeless and other persons, and related projects and services. Further, the emergency conditions created by COVID-19 will not permit a delay resulting from a competitive solicitation for bids and other procurement rules and requirements, and the actions described below are necessary to respond to the emergency.

SECTION 2: Emergency Contracting Procedures. The Board, pursuant to Public Contract Code, sections 20395(e), 20604, 20813(d) and 22050, upon the substantial evidence set forth above, may and hereby does delegate authority to the CEO to approve, and to the Director to carry out, the repair, alteration, replacement, installation, renovation and new construction of any facility or structure of the County (or other agency whose governing body is the Board) determined by the CEO to be necessary to address the emergency conditions created by COVID-19; and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. The Director is further authorized to perform any of these activities using Department of Public Works employees.

SECTION 3: Effective Date. That this Resolution shall take effect immediately upon its passage and shall remain in effect until repealed by the Board.

The foregoing resolution was adopted on the ____ day of _____ 2020, by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

CELIA ZAVALA
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By 