



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: August 11, 2020

Subject: Authorize and ratify a license agreement and a conflict waiver executed by the County Administrator in response to the COVID-19 Emergency Declaration

RECOMMENDATION(S):

1. AUTHORIZE and RATIFY the execution of a License Agreement with North Richmond Commercial Development, Inc. for use of a portion of 1535 Fred Jackson Way in Richmond (Property) as a County COVID-19 testing site at no cost to the County through December 31, 2020, with the option of extending on a month-to-month basis thereafter.
2. AUTHORIZE and RATIFY the execution of a conflict waiver acknowledging a potential conflict of interest and consenting to Goldfarb & Lipman, LLP representing the owner of the Property in the negotiation of the License.

FISCAL IMPACT:

There is no fiscal impact for this action.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **08/11/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 11, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Laura Cassell, Deputy

Contact: Eric Angstadt,
(925)335-1009

cc:

BACKGROUND:

The County has activated the Emergency Operations Center (EOC) and several Department Operations Centers (DOC) to assist in the response to the pandemic. Those operations centers are the hub for procurement and distribution of services and equipment necessary to respond to the emergency. In support of this, the County Administrator, in his capacity of Administrator of Emergency Services (County Code Section 42-2.602) issued an emergency blanket purchase order in the amount of \$20 million on Friday, March 20, 2020 for the procurement of services and supplies necessary to facilitate the COVID-19 response within the County. The Board of Supervisors subsequently ratified the County Administrator's action on March 31, 2020. Similarly, the County Administrator has entered into several agreements, including service contracts, license agreements and leases to support the activities responding to COVID-19. The first set of such contracts was ratified by the Board on April 14, 2020 (Agenda Item No. C.22). The second set was approved by the Board of Supervisors on April 28, 2020. The third set was approved by the Board of Supervisors on May 12, 2020 (Agenda Item No. C.60). The fourth set was approved by the Board of Supervisors on June 2, 2020 (Agenda Item No. C.28)

License Agreement and Conflict Waiver

The County currently leases a portion of the property located at 1535 Fred Jackson Way in Richmond for the operation of a public health clinic. To assist in the response to the pandemic, the County has entered into a license agreement with the property owner to enable the County to use a portion of the building's parking lot for the operation of a walk-up COVID-19 testing site. Because the property owner is represented by Goldfarb & Lipman, LLP, a law firm that does work for the County in the area of affordable housing, the County executed a conflict waiver to enable Goldfarb & Lipman, LLP to represent the property owner in the negotiation of the license agreement. The conflict waiver was granted in the interest of time and because the representation Goldfarb & Lipman, LLP provides to the County is unrelated to the representation it provided to the property owner in the context of the license agreement.

CONSEQUENCE OF NEGATIVE ACTION:

Not ratifying the emergency actions taken in response to the COVID-19 emergency to establish a walk-up testing site in Richmond would result in the walk-up testing site being discontinued.