



Board Agenda Item 15

DATE: June 9, 2020

TO: Board of Supervisors

SUBMITTED BY: Brandi L. Orth, County Clerk/Registrar of Voters
Robert W. Bash, Director, Internal Services/Chief Information Officer

SUBJECT: Vote Center and Ballot Drop Box Facility Use Agreements

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Director of Internal Services/Chief Information Officer to execute Vote Center Facility Use Agreements with various Facilities, including governmental agencies, identified as Vote Center locations by the Fresno County Clerk/Registrar of Voters; and**
- 2. Approve and authorize the Director of Internal Services/Chief Information Officer to execute Ballot Drop Box Facility Use Agreements with various Facilities, including governmental agencies, identified as Ballot Drop Box locations by the Fresno County Clerk/Registrar of Voters; and**
- 3. Authorize the Director of Internal Services/Chief Information Officer to execute, upon review by County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form, facility use agreements in substantially the same form as the Vote Center Facility Use Agreement and the Ballot Drop Box Facility Use Agreement, with various Facilities, including governmental agencies, identified as Vote Center locations and/or Ballot Drop Box locations by the Fresno County Clerk/Registrar of Voters.**

Approval of the recommended actions will allow the Fresno County Clerk/Registrar of Voters ("County Clerk/ROV") to access space to be utilized during elections. The first two recommended actions will allow the Director of Internal Services/Chief Information Officer to execute the County's Facility Use Agreements with Facilities, including governmental agencies, without having to bring each agreement to the Board of Supervisors for approval. The third recommended action will allow the Director of Internal Services/Chief Information Officer to execute the County's Facility Use Agreements, as revised by the Facility, upon review by County Counsel and the Auditor-Controller/Treasurer-Tax Collector. This delegated authority is necessary as there are a few Facilities who require changes to the County's Facility Use Agreement and there will not be sufficient time to return to your Board to approve these changes. This item is countywide.

ALTERNATIVE ACTION(S):

If this authorization and the Vote Center and Ballot Drop Box Facility Use Agreements are not authorized and approved, the County Clerk/ROV will be required to return to your Board with an estimated 100 Facility Use Agreements. That action would delay the chosen Vote Center and Ballot Drop Box Facilities from executing the Facility Use Agreements in a timely manner.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Vote Center Facilities

may be reimbursed limited operational costs. Sufficient appropriations and estimated revenues to cover these costs have been included in the County Clerk - Elections Org 2850 FY 2020-21 Proposed Budget.

DISCUSSION:

On March 12, 2019, the Board approved the implementation of the California Voter's Choice Act ("VCA") beginning with the March 2020 State-wide Presidential Primary Election. On November 5, 2019, the Board approved the Director of Internal Services/Chief Information Officer to execute and agree to the terms and conditions of Vote Center Facility Use Agreements without returning to the Board as the County Clerk/ROV identified Vote Centers and Ballot Drop Box locations for the March 2020 Presidential Primary Election. 53 Vote Centers and 43 Ballot Drop Box locations were secured for use in the March 2020 Presidential Primary Election using these Agreements.

Vote Center Facilities are identified based on data analysis listed in California Election Code Section 4005. It is required that each Facility be surveyed for ADA compliance and connectivity status. Reuse of Facilities used as Vote Centers Facilities in the March 2020 Presidential Primary Election will be prioritized to build a consistent voter experience. Ballot Drop Boxes will be located based on the location of Vote Centers reusing as many Ballot Drop Box locations from the March 2020 Presidential Primary Election as possible.

The proposed Vote Center and Ballot Drop Box Facility Use Agreements (attached as Exhibits A-C) will be the form of the model Agreement for each of the identified Vote Centers and Ballot Drop Box locations to execute in preparation for serving in the upcoming November 2020 State-wide Presidential General Election. The Agreements contain the following variances from the County's model lease/contract terms: There is no insurance requirement for the Facility and the County will hold the Facility harmless from liability except for Facility negligence. Although this recommendation includes a variance from minimum insurance coverage and indemnity language recommendations by Risk Management for County agreements, it is understood that the variance is minor and the benefits of entering into the facility agreements in this matter outweigh the associated risks.

Election materials must be prepared no later than early August 2020 in order to arrange for printed materials to be made available to voters.

REFERENCE MATERIAL:

BAI #7, March 12, 2019
BAI #23, November 5, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Vote Center Agreement - November 2020 - 11 Day
On file with Clerk - Vote Center Agreement - November 2020 - 4 Day
On file with Clerk - Ballot Drop Box Agreement - November 2020

CAO ANALYST:

Raul Guerra