

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

March 11, 2025

FROM

JASON ANDERSON, District Attorney

SUBJECT

Amendments to Employment Contracts for Contract Attorneys

RECOMMENDATION(S)

1. Approve **Amendment No. 2 to Employment Contract No. 21-916**, effective March 22, 2025 with Stephanie Weissman as a Contract Attorney, to add a provision for participation in San Bernardino County Employees' Retirement Association (SBCERA), as well as update the medical, dental and leave provisions, with no change to the total aggregate amount of \$888,240 or the contract period of December 20, 2021 through November 30, 2025.
2. Approve **Amendment No. 2 to Employment Contract No. 21-917**, effective March 22, 2025 with Jaclyn Romano as a Contract Attorney, to add a provision for participation in San Bernardino County Employees' Retirement Association (SBCERA), as well as update the medical, dental and leave provisions, with no change to the total aggregate amount of \$800,640 or the contract period of December 20, 2021 through November 30, 2025.
3. Approve **Amendment No. 1 to Employment Contract No. 24-708**, effective March 22, 2025 with Michael Silverman as a Contract Attorney, to add a provision for participation in San Bernardino County Employees' Retirement Association (SBCERA), as well as update the medical and dental provisions, with no change to the total aggregate amount of \$187,000 or the contract period of August 10, 2024 through August 9, 2025.

(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Create, Maintain and Grow Jobs and Economic Value in the County.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the request for additional Discretionary General Funding (Net County Cost). The District Attorney (Department) has spent nearly \$570,500 through mid-January 2025 for the three employment contracts. Contract costs include salary and required costs such as Workers' Compensation insurance. If needed, the Department has committed to paying the costs of the two contract attorneys (Contract No. 21-916 and Contract No. 21-917) assigned to the Department's Consumer Environmental Protection Unit (CEP) that exceed the cost of the budgeted full-time Deputy District Attorney IV assigned to CEP within its Discretionary General Fund budget. Sufficient appropriation has been included in the Department's 2024-25 budget and will be included in future recommended budgets.

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BACKGROUND INFORMATION

The Department's Consumer Environmental Protection Unit was established in 1990 to prosecute civil and criminal legal actions for unlawful activities such as hazardous waste dumping, consumer fraud, and violations of the State of California Division of Occupational Safety and Health to ensure safe and healthy working conditions for California workers. These types of litigation result in court orders or final judgments against the defendant to pay fines, penalties, cost recovery, restitution, and remediation to direct and indirect victims.

On December 14, 2021 (Item No. 36), the Board of Supervisors (Board) approved Employment Contract No. 21-916 with Stephanie Weissman as a Contract Attorney for a total aggregate amount not to exceed \$420,240, effective December 20, 2021 through November 2023 and Employment Contract No. 21-917 with Jaclyn Romano as a Contract Attorney for a total aggregate amount not to exceed \$379,440, effective December 20, 2021 through November 30, 2023 to assist the Consumer Environmental Protection Unit.

On November 14, 2023 (Item No. 37), the Board approved Amendment No. 1 to Employment Contract 21-916 with Stephanie Weissman increasing the rate of pay from \$103 to \$150 per hour for a total aggregate amount not to exceed \$888,240, and extending the contract an additional two years, for a total contract period of December 20, 2021 through November 30, 2025. The Board also approved Amendment No. 1 to Employment Contract 21-917 with Jaclyn Romano increasing the rate of pay from \$93 to \$135 per hour for a total aggregate amount not to exceed \$800,640 and extending the contract an additional two years for a total contract period of December 20, 2021 through November 30, 2025.

Approval of Amendment No. 2 for Employment Contracts 21-916 and 21-917 will take effect March 22, 2025, the start of the pay period, and will replace Section IV. Compensation of Contract Attorney, Subsection D., Retirement Plan, providing that Ms. Weissman and Ms. Romano participate in the County's general employee retirement system during the term of the contract if regularly working a minimum of forty (40) hours per pay period. Article III Membership of the by-laws of the San Bernardino County Employees' Retirement Association (SBCERA) require membership if contracted employees exceed a year's employment and who work fifty percent (50%) or more of full-time hours as defined by San Bernardino County, measured on a fiscal year basis. Amendment No. 2 to Employment Contracts 21-916 and 21-917 also updates the medical, dental and leave provisions.

On August 6, 2024 (Item No. 23), the Board approved Employment Contract 24-708 with Michael Silverman as a Contract Attorney for a total aggregate amount not to exceed \$187,000, effective August 10, 2024 through August 9, 2025, to finish updating the Department's Policy and Procedures Manual to ensure compliance with current laws and accepted business practices. The Department contracted with Michael Silverman to revise and finish updates that were left pending when the staff member who had been updating the manual retired in June 2024. In addition, there have been subsequent legislative changes that need to be addressed in the manual.

Approval of Amendment No. 1 for Employment Contract 24-708 will take effect March 22, 2025, the start of the pay period, and will replace Section IV. Compensation of Contract Attorney, Subsection E. Retirement Plan, providing that Mr. Silverman participate in the County's general employee retirement system during the term of the Contract if regularly working a minimum of forty (40) hours per period. Article III Membership of the by-laws of the San Bernardino County Employees' Retirement Association (SBCERA) require membership if contracted employees exceed a year's employment and who work fifty percent (50%) or more of full-time hours as

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defined by San Bernardino County, measured on a fiscal year basis. Amendment No. 1 to Employment Contract 24-708 also updates the medical and dental provisions.

PROCUREMENT

Not applicable

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Principal Assistant County Counsel, 387-5455) on February 10, 2025; Human Resources (Gina Kina, Assistant Director of HR, 387-5570) on February 13, 2025; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on February 18, 2025; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on February 21, 2025.

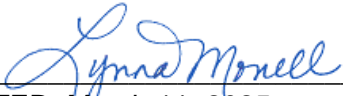
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 11, 2025



cc: DA - Walker w/agree
 Contractor - c/o DA w/agree
 File - w/agree
CCM 03/12/2025