

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

September 9, 2025

FROM

TOM BUNTON, County Counsel

SUBJECT

Authorization to Increase Purchase Order with Brownstein Hyatt Farber Schreck, LLP for Specialized Legal Services

RECOMMENDATION(S)

Authorize the Purchasing Agent to increase Purchase Order No. 4100425939 with Brownstein Hyatt Farber Schreck, LLP, by \$445,000, from \$200,000 to a not-to-exceed amount of \$645,000, in order to continue specialized legal services in connection with the court action titled *People's Collective For Environmental Justice, et al. v. County of San Bernardino, et al.* (Four votes required).

(Presenter: Tom Bunton, County Counsel, 387-5455)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Sufficient appropriation has been included in the 2025-26 Litigation budget (1340001000) and will be included in future recommended budgets, as necessary. All costs of legal services are subject to reimbursement from the project developer associated with the legal action (Howard Industrial Partners, LLC / IV5 Bloomington Gateway Distribution Center, LLC).

BACKGROUND INFORMATION

On November 15, 2022 (Item No. 111), the Board of Supervisors (Board) approved the Bloomington Business Park Specific Plan (Specific Plan). The Specific Plan established an industrial business park for approximately 213 acres located within the Bloomington area. The adoption of the Specific Plan amended the Land Use Category designation from Very Low Density Residential to Special Development and the Land Use Zoning District designation from Single Residential to Industrial/Business Park for the Specific Plan area. Concurrently, the Board upzoned a 24-acre site from Single Residential to Multiple Residential to offset the loss of potential residential capacity within the Bloomington area in compliance with the requirements of Senate Bill 330.

Associated Board actions included the certification of an Environmental Impact Report, including the adoption of a Statement of Overriding Considerations, approval of a Memorandum of Understanding for public benefit contributions to the Bloomington area, and approvals of various land use entitlements related to the future construction and operation of high-cube warehouse buildings and a truck and trailer parking lot (Project Approvals).

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On or about December 16, 2022, various petitioners filed a petition and complaint against San Bernardino County (County) and the project developer in the San Bernardino Superior Court, entitled *People's Collective For Environmental Justice, et al. v. County of San Bernardino, et al.*, Case No. CIVSB 2228456 (Action), challenging the Project Approvals as violating the California Environmental Quality Act (CEQA) and various housing and discrimination claims.

On September 12, 2023 (Item No. 21), the Board approved a waiver of conflict of interest and authorized the Office of County Counsel to retain the law firm of Brownstein Hyatt Farber Schreck, LLP (Brownstein) to defend the County in the Action. Brownstein specializes in the defense of public agencies, private developers, and business interests in an array of CEQA-driven real estate and development litigation.

On September 12, 2023, the Purchasing Department approved Purchase Order No. (PO) 4100317559 in the amount of \$200,000 to originally retain Brownstein to provide specialized legal services. PO 4100317559 was increased by the Board on January 23, 2024 (Item No. 31) by \$255,000 for a not-to-exceed amount of \$455,000, and on May 21, 2024 (Item No. 30) by \$300,000 for a not-to-exceed amount of \$755,000, due to an increased workload in responding to pleadings, discovery and motions in the Action. PO 4100317559 has been fully expended as of August 12, 2025.

On August 6, 2025, Purchasing approved a new PO 4100425939 with Brownstein in the amount of \$200,000 with approximately \$74,000 remaining on the PO as of now. The fees in this matter through the end of the fiscal year 2025-26 are expected to be up to \$445,000 depending on case actions.

Approval of this item will increase PO 4100425939 by \$445,000 and allow the County to continue to utilize Brownstein for the specialized legal services in the Action. All legal costs incurred by the County in the Action will be subject to reimbursement from the project developer.

PROCUREMENT

Pursuant to Title 1, Division 2, Chapter 19, Section 12.1908 of the County Code and County Policy 11-04, County Counsel is authorized to select and retain, through a purchase order, specialized legal counsel for a particular matter not-to-exceed \$200,000 per fiscal year. Contracts for specialized legal services in excess of \$200,000 per fiscal year require Board approval.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Supervising Deputy County Counsel, 387-5455) on August 6, 2025; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on August 11, 2025; and County Finance and Administration (Penelope Chang, Principal Administrative Analyst, 387-4886) on August 12, 2025.

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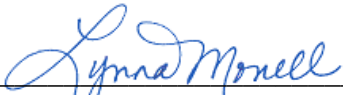
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 9, 2025



cc: File - County Counsel
CCM 09/12/2025