

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

May 5, 2026

FROM

LAURA FEINGOLD, County Counsel

SUBJECT

Amendments to Agreements with Kaplan Kirsch LLP and Langan CA, Inc. for Legal and Technical Expert Services

RECOMMENDATION(S)

1. Approve **Amendment No. 3 to Agreement No. 21-125** with Kaplan Kirsch LLP, effective February 9, 2026, to continue legal representation of San Bernardino County through specialized legal services related to the Chino Remediation Project and cost recovery against responsible parties, to extend the term for two additional years, for a total term of February 9, 2021 through February 8, 2028, with no change in the agreement amount of \$3,400,000 (Four votes required).
2. Approve **Amendment No. 4 to Agreement No. 21-126** with Langan CA, Inc., effective February 9, 2026, to continue providing technical expert services in connection with possible litigation against responsible parties for cost recovery related to the Chino Remediation Project, to extend the term for two additional years, for a total term of February 9, 2021 through February 8, 2028, with no change to the agreement amount of \$2,000,000.
(Presenter: Laura Feingold, County Counsel, 387-5455)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

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

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The services provided under the agreements will be funded by the Litigation Expense Reserve and Litigation Budget (1340001000). Sufficient appropriation is included in the Litigation 2025-26 budget and will be included in future recommended budgets, as necessary.

BACKGROUND INFORMATION

Since 1990, the County has conducted activities at the Chino Airport property, located at 7000 Merrill Avenue, in Chino, to identify potential sources of contamination, characterize identified source areas and remediate discovered soil and groundwater contamination known as the Chino Remediation Project. The groundwater is suspected to have been contaminated due to past usage of Volatile Organic Compounds (VOCs) by prior occupants of the Chino Airport property.

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The County developed a Remedial Action Plan (RAP) for implementation of a pump-and-treat system to treat the contamination, in coordination with the Chino Desalter Authority and a revised version of the RAP was approved by the Water Board on November 4, 2020. The pump-and-treat system commenced operations in April 2023, and is currently treating three CDA wells and five County treatment wells located at the Chino Airport.

Due to the specialized nature of the Chino Remediation Project, the County retained outside counsel since 2010 to assist with investigation, compliance, and cost recovery. Pursuant to Title 1, Division 2, Chapter 19, section 12.1908 of the County Code, County Counsel is authorized to select and retain through a purchase order, specialized counsel for a particular matter not to exceed \$200,000 per fiscal year. Contracts for services in excess of that amount require the Board's approval.

The primary attorney assigned to the project is Thomas A. Bloomfield originally with the Gallagher & Gallagher law firm until he changed firms to Kaplan Kirsch LLP (Kaplan), formerly Kaplan Kirsch & Rockwell LLP, in 2019. Kaplan provides specialized legal services for the Chino groundwater remediation and investigation of prior occupants and tenants of the Chino Airport (potential responsible parties) to assist with the cost of the remedial activities. As the scope and size of the project increased, on February 9, 2021 (Item No. 29), the Board of Supervisors (Board) approved Agreement No. 21-125 with Kaplan (Kaplan Agreement) in the amount of \$3,400,000, for the period of February 9, 2021 through February 8, 2024, with two one-year options to extend. On July 11, 2023 (Item No. 22), the Board approved Amendment No. 1 to the Kaplan Agreement to exercise the first one-year extension of the Agreement to February 8, 2025, with no change to the amount of \$3,400,000.

A necessary element in the investigative process is the use of an environmental expert to review environmental investigation and cleanup documentation concerning the Chino groundwater remediation, and information about the sources and events surrounding the release of hazardous substances to soil and groundwater and provide expert advice regarding analysis of this information. The expert utilized by the County is Langan CA, Inc. (Langan), formerly Langan Engineering and Environmental Services, Inc.

Langan was initially paid by Kaplan due to their environmental expertise in hydrogeology, engineering and geotechnical experience, until the Board approved Agreement No. 21-126 (Langan Agreement) on February 9, 2021 (Item No. 29), in the amount of \$500,000 for the period of February 9, 2021 through February 8, 2024, with two one-year options to extend the contract period. On April 26, 2022, the Board approved Amendment No. 1 to the Langan Agreement (Item No. 30) to increase the contract amount by \$750,000, from \$500,000 to a total amount of \$1,250,000. On July 11, 2023 (Item No. 22), the Board approved Amendment No. 2 to the Langan Agreement, increasing the amount by \$750,000, from \$1,250,000 to \$2,000,000 and extend the term through February 8, 2025. Both amendments were done to accommodate staffing time and dedication required to understand and dissect the array of activities that have occurred at the Chino Airport since the 1940s.

In 2023, Langan underwent a corporate change, but not its corporate structure, to increase its scope of services in California and formed a state-specific wholly owned subsidiary known as Langan CA, Inc. It requested to assign Agreement No. 21-126 and amendments to the new entity, which assignment was approved through a "Consent to Assignment" signed by County Counsel on November 11, 2023, as authorized under the agreement. No other changes to the agreement were made.

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On December 17, 2024 (Item No. 42), the Board approved Amendment No. 2 to the Kaplan Agreement extending the term to February 8, 2026, and by the same item approved Amendment No. 3 to the Langan Agreement to extend the term to February 8, 2026, with no change to the contract amounts.

Given the nature of the pending litigation and ongoing complexities surrounding the Chino Remediation Project, agreement termination dates inadvertently passed prior to amending the agreements without any of the parties realizing the expiration date had passed. The item requests an effective date of February 9, 2026, for both the Kaplan and Langan Agreements. Amending the agreements will allow the County uninterrupted representation and will allow the County to finalize investigation into responsible parties and determine the best strategy for cost recovery.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Maria Insixiengmay, Deputy County Counsel, 387-5455) on April 10, 2026; Purchasing (Jessica Barajas, Supervising Bouer, 387-2065) on April 10, 2026; and County Finance and Administration (Penelope Chang, Administrative Analyst, 387-4886) on April 10, 2026.

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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: May 5, 2026



cc: Counsel - Magana w/agrees
Contractor - c/o Counsel w/agree
File - w/agree
CCM 05/11/2026