

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

May 5, 2026

FROM

LAURA FEINGOLD, County Counsel

SUBJECT

Amendment to Agreement with Reed Smith LLP for Legal Services

RECOMMENDATION(S)

Approve **Amendment No. 1 to Agreement No. 20-1250** with Reed Smith LLP, effective December 15, 2025, for specialized legal services in connection with insurance recovery relating to the Chino Remediation Project and cost recovery against the Insurance Company for the State of Pennsylvania, extending the agreement for two additional years, for a total term of December 15, 2020 through December 14, 2027, with no change to the agreement amount for payment based on approved rates (Four votes required).

(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 Agreement No. 20-1250 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.

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.

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May 5, 2026**

The County submitted claims for reimbursement from its insurer, Insurance Company for the State of Pennsylvania (ICSOP) for investigation and remediation costs based on a prior settlement agreement. However, ICSOP ceased making payments after allocating a total of \$9 million for one occurrence (i.e., the cause of contamination).

On December 15, 2020 (Item No. 37), the Board approved Agreement No. 20-1250 to retain Reed Smith LLP (Reed Smith Agreement) for specialized legal services in connection with insurance recovery for the term of December 15, 2020 through December 14, 2025. The County filed an action against ICSOP for cost recovery in November 2021. In anticipation of litigation, no specific contract amount was set and the agreement would be paid on a rate basis with funding through the Litigation Budget, with appropriate adjustments done as needed and upon Board approval. The litigation is currently pending an appellate decision in the Ninth Circuit Court of Appeal.

Given the nature of the pending litigation and ongoing complexities surrounding the Chino Remediation Project, the agreement termination date inadvertently passed prior to amending the agreement without either party realizing the expiration date had passed. The recommendation requests an effective date for the Reed Smith Agreement of December 15, 2025. Amending the agreement will allow the County uninterrupted representation in the pending litigation.

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 Buyer, 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/agree
 Contractor - c/o Counsel w/agree
 File - w/agree
CCM 05/11/2026