

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

February 27, 2024

**FROM**

**TOM BUNTON, County Counsel**

**SUBJECT**

Purchase Order with Miller Barondess, LLP for Specialized Legal Services

**RECOMMENDATION(S)**

Authorize the Purchasing Agent to increase Purchase Order No. 4100308289 with Miller Barondess, LLP by \$1,200,000, from \$200,000 to a not-to-exceed amount of \$1,400,000, for the continued provision of specialized legal services to defend litigation in federal court titled *Brianna Ribota, 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). The \$1,200,000 cost for the period of January 1, 2024 through June 30, 2024, will be funded with 94% (\$1,128,000) state and federal funds made available through the California Work Opportunity and Responsibility to Kids (CalWORKs), Medi-Cal and CalFresh allocations, and 6% (\$72,000) Net County Cost. Sufficient appropriation and revenue have been included in the Human Services Administration 2023-24 budget.

**BACKGROUND INFORMATION**

*Ribota v. County of San Bernardino* is a Fair Labor Standards Act (FLSA) collective action claiming uncompensated off-the-clock work by Transitional Assistance Department employees. There are a total of 27 plaintiffs in the lawsuit. The matter is set for trial in April 2024.

Miller Barondess has particular expertise in FLSA actions and class actions, representing public entities and private employers in such cases.

Outside counsel project costs for this matter will be approximately \$1,200,000 for the time period of January 1, 2024 through June 30, 2024. Four votes are required per Government Code section 25203, as the Board is approving employment of counsel to assist the County in an ongoing legal matter.

**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.

**Purchase Order with Miller Barondess, LLP for Specialized Legal Services**  
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Contracts for specialized legal services in excess of \$200,000 per fiscal year require Board of Supervisors (Board) approval.

In May 2023, the Office of County Counsel invited proposals from several law firms. Miller Barondess, LLP was selected after reviewing these proposals and interviewing the proposed attorneys.

On June 14, 2023, the Purchasing Department approved Purchase Order No. 4100304176 in the amount of \$20,000 to retain Miller Barondess, LLP to provide specialized legal services. Purchase Order No. 4100304176 was fully expended.

On July 25, 2023, the Purchasing Department approved Purchase Order No. 4100308289 in the amount of \$200,000. There is approximately \$66,000 remaining on this Purchase Order. The fees in this matter through June 30, 2024, are expected to be up to \$1,200,000, requiring Board approval to increase the Purchase Order accordingly.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Laura Feingold, Chief Assistant County Counsel, 387-5455) on January 25, 2024; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on February 5, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on February 12, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on February 13, 2024.

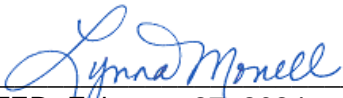
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Services  
February 27, 2024**

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: February 27, 2024



cc:     File - County Counsel  
CCM   03/1/2024