

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

**May 7, 2024**

**FROM**

**VICTOR TORDESILLAS, Deputy Executive Officer, Department of Risk Management  
TOM BUNTON, County Counsel**

**SUBJECT**

Contract Assignment from the Law Offices of Pelayes & Yu, APC to the Law Offices of Pelayes & Bolander, APC

**RECOMMENDATION(S)**

Approve Assignment and Consent to Assignment of **Contract No. 21-29 A-1**, effective March 8, 2024, from the Law Offices of Pelayes & Yu, APC to the Law Offices of Pelayes & Bolander, APC, for the provision of legal defense services to the County's self-insured Public Liability Program, with no changes to the contract's hourly rates or contract period of April 15, 2021, through April 14, 2026 (Four votes required).

(Presenter: Victor Tordesillas, Director, 386-8623)

**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 Discretionary General Funding (Net County Cost), as it only approves and consents to the assignment of an existing contract from the Law Offices of Pelayes & Yu, APC to the Law Offices of Pelayes & Bolander, APC. The Law Offices of Pelayes & Bolander, APC is one of several attorney firms contracted to provide legal defense services for an aggregate estimated cost of \$61,200,000, at established hourly rates. The cost of this contract is recovered through Board of Supervisors (Board) approved rates for various general liability programs billed to County departments and Board-Governed Special Districts. Sufficient appropriation related to the existing contract has been included in the Department of Risk Management (Risk Management) 2023-24 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

Approval of the Assignment and Consent to Assignment will allow the County to continue to utilize services provided by a specific attorney that has been providing services for approximately three years.

On January 5, 2021 (Item No. 39), the Board approved contracts with 33 law firms to supplement the legal services provided by the Office of County Counsel for defending insured claims in the aggregate estimated cost of \$61,200,000, at established hourly rates, for the period of April 15, 2021, through April 14, 2026. This item included a contract with the Law

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Offices of Pelayes & Yu, APC. Attorney Tristan Pelayes (Mr. Pelayes) has been performing work for the County pursuant to this contract.

On April 23, 2024, the County was notified that the Law Offices of Pelayes & Yu, APC had dissolved on March 8, 2024, and that Mr. Pelayes had begun performing legal services through a different firm, the Law Offices of Pelayes and Bolander, APC. The Law Offices of Pelayes & Bolander, APC has agreed to accept all obligations, responsibilities, and duties under the contract.

The Law Offices of Pelayes & Yu, APC's contract with the County provides that it is not assignable, in whole or in part, without the County's prior written consent. This contract is Board approved; therefore, this consent requires Board approval. Additionally, pursuant to California Government Code Section 25203, a two-thirds majority vote is required for approval of legal counsel contracts.

Mr. Pelayes has over 24 years of legal experience with more than 20 years defending public entities in civil litigation. Through this work, Mr. Pelayes has developed a specialty defending the County against civil rights and auto liability claims. In consideration of this specialization, Risk Management recommends approval of the assignment and consent to assignment.

**PROCUREMENT**

The Purchasing Department continues to support this competitive procurement based on Request for Proposals No. RMG120-RMADM-3863.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Laura Feingold, Chief Assistant County Counsel, 387-5455) on April 24, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on April 25, 2024; County Administrative Office (Diane Rundles, Assistant Executive Officer, 387-5572) on April 26, 2024; Finance (Ivan Ramirez, Administrative Analyst, 387-4020) on April 26, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on April 26, 2024.

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: May 7, 2024



cc: Risk - Tordesillas w/agree  
Contractor - c/o Risk w/agree  
File - w/agree  
CCM 05/14/2024