

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

May 19, 2020

FROM

MICHELLE D. BLAKEMORE, County Counsel

SUBJECT

Increase Purchase Order with Meyers Nave Riback Silver & Wilson for Specialized Legal Services

RECOMMENDATION(S)

Authorize the Purchasing Agent to increase Purchase Order No. 4100103636 with Meyers Nave Riback Silver & Wilson (Meyers Nave) by \$20,000, from \$409,000 to a not-to-exceed amount of \$429,000, in order to continue the provision of legal service in connection with the lawsuit initiated by the County of San Bernardino in the matter of *County of San Bernardino v. City of Fontana (UST-CB Partners, L.P.)*, Case No. CIVDS1911476 that concerns the City of Fontana's approval of the West Valley Logistics Specific Plan Project (Four votes required). (Presenter: Michelle D. Blakemore, County Counsel, 387-5455)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

This item will result in the use of Discretionary General Funding (Net County Cost). The costs for the identified legal services for the matter *County of San Bernardino v. City of Fontana* are recommended to be funded with available appropriation in Countywide Discretionary Fund (116 1000). Sufficient appropriation and revenue are included in the respective 2019-20 budget.

BACKGROUND INFORMATION

On April 12, 2019, the County of San Bernardino (County) initiated litigation against the City of Fontana (City) regarding the City's approval of the West Valley Logistics Specific Plan Project. The case is entitled *County of San Bernardino v. City of Fontana, et al* (CIVDS 1911476). Meyers Nave is representing the County in this litigation. The trial was scheduled for April 30, 2020, but due to the COVID-19 pandemic, civil trials have been postponed by the Superior Court.

In negotiating a possible settlement of the case while doing the necessary preparation for trial, it was determined that an increase in the amount of Purchase Order No. 4100103636 with Meyers Nave by an additional \$20,000, from \$409,000 to \$429,000, is necessary for continued legal services. The parties have tentatively settled the case but additional work is required to have the settlement confirmed by the court and to effectuate certain conditional aspects of the proposed settlement.

PROCUREMENT

**Increase Purchase Order with Meyers Nave Riback Silver & Wilson for
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Due to an immediate need for specialized legal services, on February 13, 2019, the County Counsel's Office requested a non-competitive purchase order (Purchase Order No. 4100091065) in the amount of \$100,000 to retain Meyers Nave. Meyers Nave was selected due to their availability and experience with similar legal matters. On May 14, 2019, the purchase order was increased by \$100,000, from \$100,000 to \$200,000. Thereafter, Purchase Order No. 4100091065 was exhausted and on July 31, 2019, Purchase Order No. 4100103636 was issued in the amount of \$200,000. On January 28, 2020 (Item No. 18), the Board of Supervisors (Board) authorized the increase in Purchase Order No. 4100103636 by \$134,000 and on April 7, 2020 (Item No. 25), the Board authorized a \$75,000 increase, for a total not-to-exceed amount of \$409,000.

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 Board approval.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bart W. Brizzee, Principal Assistant County Counsel, 387-5455, and Robin Simon, Chief of Administration, 387-5455) on May 8, 2020; Purchasing (Leo Gomez, Purchasing Manager, 387-2063) on May 8, 2020; Finance (Amanda Trussell, Principal Administrative Analyst, 387-5423 and Carl Lofton, Administrative Analyst, 387-5404) on May 12, 2020; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 12, 2020.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales

Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 19, 2020



cc: File - County Counsel

KS 05/21/2020