

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

December 05, 2023

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. 4100313693 with Miller Barondess, LLP by \$750,000 from \$200,000 to a not-to-exceed amount of \$950,000, in order to continue specialized legal services to defend litigation in federal court titled *Gary G., et al. v. Gavin Newsom, et al.*

(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). Sufficient appropriation and revenue have been included in the 2023-24 Children and Family Services Budget and will be included in future recommended budgets, as necessary.

BACKGROUND INFORMATION

On May 30, 2023, the County was served with the lawsuit titled *Gary G., et al. v. Gavin Newsom, et al* (Gary G. lawsuit). The Gary G. lawsuit is a proposed class action lawsuit challenging certain California and San Bernardino County policies and procedures controlling the care of foster children.

After soliciting proposals from several law firms, the Office of County Counsel selected the law firm of Miller Barondess, LLP as the most qualified to defend the County and its employees in the Gary G. lawsuit. Miller Barondess, LLP has particular expertise in similar cases.

Approval of this item will allow Children and Family Services to continue to utilize Miller Barondess, LP for the specialized legal services. The Gary G. matter is unique litigation that requires the County to defend a large majority of the policies and procedures used to provide foster care services throughout the county. Thus, this is anticipated to be expensive litigation.

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.

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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. The Office of County Counsel retained Miller Barondess, LLP on June 12, 2023 with a contract limited to \$120,000.

On June 9, 2023, the Purchasing Department approved Purchase Order No. 4100304179 in the amount of \$120,000 to retain Miller Barondess, LLP to provide specialized legal services. Purchase Order No. 4100304179 was fully expended.

On August 22, 2023, the Purchasing Department approved Purchase Order 4100313693 in the amount of \$200,000. There is approximately \$46,000 remaining on this Purchase Order. The fees in this matter through the end of the fiscal year are expected to be up to \$750,000 requiring Board approval to increase the Purchase Order accordingly.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Laura Feingold, Principal Assistant County Counsel, 387-5459) on November 14, 2023; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on November 17, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404) on November 16, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on November 17, 2023.

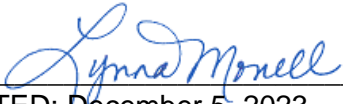
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Services
December 5, 2023**

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: December 5, 2023



cc: File - County Counsel
MA 12/7/2023