

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

June 2, 2020

FROM

GARY McBRIDE, Chief Executive Officer, County Administrative Office

SUBJECT

Amendment to Contract with Inland Fair Housing and Mediation Board

RECOMMENDATION(S)

Approve **Amendment No. 2** to **Contract No. 16-240** with Inland Fair Housing and Mediation Board, exercising the second of two one-year options to extend the contract term, for a total contract period of July 1, 2016 to June 30, 2021, and increasing the contract amount by \$396,000, from \$1,476,000 to \$1,872,000, to provide continued alternate dispute resolution services for cases filed in the Superior Court of California, County of San Bernardino. (Presenter: Matthew Erickson, County Chief Financial Officer, 387-5423)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

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

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not impact Discretionary General Funding (Net County Cost). The contract is funded by civil filing fees collected by the Superior Court pursuant to the Dispute Resolution Programs Act (DRPA) enacted in 1986. The filing fee is currently \$8 per civil filing and, under the provisions of DRPA, revenues from the filing fee can only be used for specified alternate dispute resolution services. The original contract amount was \$360,000 per year, paid at a flat fee of \$30,000 per month, for the period of July 1, 2016 to June 30, 2019. Under Amendment No. 1 (June 11, 2019, Item No. 30), the contract amount was increased to \$33,000 per month for the extended period of July 1, 2019 to June 30, 2020, with a corresponding increase in scope of work. It is anticipated that civil filing fees will generate \$396,000 per year during 2020-21. With approval of the second amendment, the total annual cost for alternate dispute resolution services will continue to be \$396,000 per year, paid at a flat rate of \$33,000 per month, for the extended contract period of July 1, 2020 through June 30, 2021.

Funding for contracted alternate dispute resolution services is contingent upon receipt of fund transfers from the State derived from the DRPA civil filing fee. If that funding is reduced or eliminated, the scope or term of services would be reduced or eliminated with thirty days' notice to the Contractor. The cost of this contract and the offsetting revenue will be included in the 2020-21 Recommended Budget for Alternate Dispute Resolution (Cost Center 1101102724).

BACKGROUND INFORMATION

The DRPA provides for the establishment and funding, at County option, of local dispute resolution programs. The purpose of DRPA is to encourage the establishment and use of local dispute resolution services as an alternative to formal court proceedings. DRPA authorizes participating counties to increase civil filing fees from one to eight dollars to fund the local dispute resolution programs. The County presently receives a fee of \$8 per civil filing, and these revenues provide funding for the dispute resolution program for the benefit of the San Bernardino County Superior Court.

The Superior Court assigns cases to Inland Fair Housing and Mediation Board (IFHMB) based on case type. During 2018-19, IFHMB provided dispute resolution services for 786 civil, family law and probate settlement conference cases, with a settlement rate of 50%, and 1,732 small claims and unlawful detainer matters, with a settlement rate of 59%. Prior to the COVID-19 pandemic, IFHMB provided dispute resolution services at six San Bernardino Superior Court locations, including five days per week at the Fontana Courthouse, for an average of twenty-two mediator-days per month. Their services are currently suspended due to the court closures. Under the recommended amendment, upon the reopening of the courts IFHMB will continue to provide effective and efficient dispute resolution services and will assist the San Bernardino County Superior Court in addressing its large volume of cases by providing an alternative to more formal judicial proceedings. The recommended amendment will also allow the Contractor to utilize the services of Master of Dispute Resolution (MDR) or Master of Legal Studies (MLS) graduates for small claims and unlawful detainer dispute resolution services during the extended period, in addition to paralegals already providing those services, by amending Attachment A to the contract ("Sample Schedule and Calendar"). Under the terms of Contract 16-240, the Contractor must ensure that all persons providing dispute resolution services under the contract meet training requirements of DRPA, before providing service.

The recommended amendment will also clarify that IFHMB will coordinate with the County and Superior Court to develop a work plan, including virtual mediations through the use of online meeting software, to endeavor to reach the anticipated annual total of cases if the Contractor will be unable to fulfill the anticipated monthly average of cases during a contract month or period for any reason, including the COVID-19 pandemic.

Programs funded by this filing fee within the County are managed by the County Administrative Office in coordination with the Superior Court.

PROCUREMENT

On February 12, 2016, Request for Proposals (RFP) No. CAO116-CAO4-1826 for Alternate Dispute Resolution Services was released on the County's Electronic Procurement Network (ePro). On May 24, 2016 (Item No. 75), the Board of Supervisors (Board) approved Contract No. 16-240, with IFHMB in the amount of \$360,000 per year for an initial three-year term of July 1, 2016 to June 30, 2019, with two one-year options to extend the term. On June 11, 2019 (Item No. 30), the Board approved Amendment No. 1 to Contract No. 16-240, with compensation of \$396,000 per year for an extended one-year term of July 1, 2019 to June 30, 2020. Based on satisfactory performance by the Contractor, and with Superior Court concurrence, the County Administrative Office recommends approval of this Amendment No. 2 for continuation of alternate dispute resolution services for cases filed in the San Bernardino County Superior Court, with compensation of \$396,000 per year for an extended one-year term of July 1, 2020 to June 30, 2021. County Policy 11-05 requires Board approval for services in excess of \$100,000.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5445) on April 17, 2020; Purchasing Department (Michelle Churchill, Lead Buyer, 387-8258) on April 15, 2020; Finance (Allegra Pajot, Administrative Analyst, 387-5005) on May 14, 2020; and Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on May 13, 2020.

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 2, 2020



cc: CAO- Congdon w/agree
Contractor- C/O CAO w/agree
File- w/agree
la 06/5/2020