

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

April 6, 2021

FROM

LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office

SUBJECT

Amendment to Contract with Inland Fair Housing and Mediation Board

RECOMMENDATION(S)

Approve **Amendment No. 3** to **Contract No. 16-240** with Inland Fair Housing and Mediation Board, reducing the total contract amount by \$65,750, from \$1,872,000 to \$1,806,250, and reducing the current annual contract amount by \$52,000, from \$396,000 to \$344,000, to allow for reduced alternate dispute resolution services and compensation during the COVID-19 pandemic, for the total contract period of July 1, 2016 through June 30, 2021.

(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 San Bernardino County Superior Court (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. As a result of the COVID-19 pandemic and emergency order closures by the Court, both civil filing fees and alternate dispute resolution services have been impacted. Under the recommended amendment, the amount for June 2020 will be reduced to \$19,250, and the total annual contract amount for alternate dispute resolution services for the period of July 1, 2020 through June 30, 2021 will be reduced from \$396,000 to \$344,000, to reflect a reduction in services.

Funding for contracted alternate dispute resolution services is contingent upon receipt of fund transfers from the State derived from the DRPA civil filing fee. Pursuant to the contract, if 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 is included in the 2020-21 Adopted Budget for Alternate Dispute Resolution (Cost Center 1101102724).

BACKGROUND INFORMATION

The County's Alternate Dispute Resolution program is managed by the Indigent Defense unit of the County Administrative Office in coordination with the Court. Based on a reduction in revenue and alternate dispute resolution services resulting from court closures during the COVID-19 pandemic, the County Administrative Office, in concurrence with the Court, recommends approval of Amendment No. 3 for continued alternate dispute resolution services, for the period of July 1, 2020 to June 30, 2021. Amendment No. 3 reduces compensation for the months of June through August 2020 due to a reduction in service, and removes the additional mediator day per month at the Fontana Court District, added with Amendment No. 1, as there has been less demand to settle unlawful detainer, small claims, and landlord-tenant matters through virtual mediation services.

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 Court.

As per Contract No. 16-240, the Court assigns cases to Inland Fair Housing and Mediation Board (IFHMB) based on case type. During 2019-20, IFHMB provided dispute resolution services for 446 civil, family law and probate settlement conference cases, with a settlement rate of 51%, and 1,125 small claims and unlawful detainer matters, with a settlement rate of 52%. Prior to the COVID-19 pandemic, IFHMB provided in-person dispute resolution services at six Court locations, for an average of 22 mediator-days per month. The Contractor's services were temporarily suspended during the Court's COVID-19 emergency order closures from March 17, 2020 to May 29, 2020. During this time, the Contractor, in coordination with the Court, developed a virtual mediation program that was implemented in phases commencing in July 2020. Under the recommended Amendment, IFHMB will continue to provide alternate dispute resolution services at a reduced level and continue to assist the Court in addressing its large volume of cases by providing an alternative to more formal judicial proceedings.

County Policy 11-04 requires Board approval for services in excess of \$200,000.

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, adding one mediator day per month at the Fontana Court District, for an extended one-year term of July 1, 2019 to June 30, 2020. On June 2, 2020 (Item No. 15), the Board approved Amendment No. 2 to Contract No. 16-240, with compensation of \$396,000 per year for an extended one-year term of July 1, 2020 to June 30, 2021.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5445) on March 25, 2021; Purchasing Department (Michelle Churchill, Supervising Buyer, 387-8258) on March 10, 2021; Finance (Allegra Pajot, Administrative Analyst, 387-5005) on March 24, 2021; and Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on March 24, 2021.

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

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Col. Paul Cook (Ret.)

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 6, 2021



cc: CAO- Congdon w/agree
Contractor- C/O CAO w/agree
File- w/agree
LA 04/12/2021