



San Bernardino County

Legislation Text

File #: 4052, Agenda Item #: 5

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

May 4, 2021

FROM

SHARON NEVINS, Director, Department of Aging and Adult Services - Office of the Public Guardian

SUBJECT

Amendment to Contracts for Public Guardian-Conservator Real Estate Broker Services

RECOMMENDATION(S)

Approve Amendment No. 1, effective July 1, 2021, to contracts with the following agencies to provide real estate broker services, exercising the first option to extend the contracts one additional year, for a total contract period of July 1, 2018 through June 30, 2022, with no other changes to the contract terms and conditions:

1. S.H. Spectrum, Inc. Century 21 Masters, Contract No. 18-234.
2. Trusted Realty Advisors, Contract No. 18-235.

(Presenter: Sharon Nevins, Director, 891-3917)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

This item does not require Discretionary General Funding (Net County Cost). Real estate broker services will be paid on a fee-for-services basis (commission) from the proceeds of the sale of the estate's real property. All commissions to the real estate broker must be approved by the Probate Court. The conservatee's share of the sale will be deposited in a bank account and administered by the Public Guardian-Conservator (PG).

BACKGROUND INFORMATION

The recommended amendments with the agencies listed above will continue real estate broker services to liquidate assets of conservatees of the PG, as needed, for one additional year.

The PG is appointed by the Superior Court to act as conservator of estate and/or person for elderly and dependent adults who lack capacity and meet the criteria for conservatorship, as required by law. The goal of the PG office is to ensure the safety, both financial and physical, for each conservatee. As a result, it may become necessary to liquidate the assets of the conservatee and sell the real property to provide for the needs of the conservatee. The PG maintains an accurate and detailed accounting of assets, income received, and disbursements made for each conservatee.

Real property that must be sold on behalf of a conservatee is required to be handled by a real estate broker who is authorized to act as an agent for the sale of land including buildings and/or unimproved land. The real

property is appraised by a court-appointed Probate Referee of the State of California. The appraised value becomes the "asking price." Bids are submitted to the real estate broker, who will then submit the bids to the PG. The PG will look for the best bid within court guidelines under the California Probate Code, which states nothing less than 90% of the current appraised value, can be accepted. All sales are subject to court confirmation and are legally binding once confirmed. The PG serves approximately 12-15 clients per year in this capacity.

PROCUREMENT

On May 22, 2018 (Item No. 4), as a result of a formal procurement, the Board of Supervisors (Board) approved contracts listed in the Recommendation to provide real estate broker services for the period of July 1, 2018 through June 30, 2021, with the option to extend two one-year periods by mutual agreement of both parties.

Approval of this item will allow PG to extend the contract an additional year with the agencies listed in the recommendation section to provide real estate broker services throughout the San Bernardino County for the contract period of July 1, 2018 through June 30, 2022. These contracts may be terminated without cause by the County with 30 days' advanced written notice to the agency.

REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Jennifer Mulhall-Daudel, Contracts Manager, 388-0241) on March 25, 2021; County Counsel (Jacqueline Carey-Wilson, Deputy County Counsel, 387-5455) on April 5, 2021; Finance (Christopher Lange, Administrative Analyst, 386-8393) on April 6, 2021; and County Finance and Administration (Tanya Bratton, Deputy Executive Officer, 388-0332) on April 6, 2021.