



San Bernardino County

Legislation Text

File #: 4950, Agenda Item #: 63

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

October 5, 2021

FROM

CURT HAGMAN, Chairman and Fourth District Supervisor, Board of Supervisors

SUBJECT

Contract with Olivarez Madruga Lemieux O'Neill, LLP for Interim County Counsel Services and Waiver of Potential Conflict

RECOMMENDATION(S)

1. Approve contract with Olivarez Madruga Lemieux O'Neill, LLP for interim County Counsel services in an amount not to exceed \$250,000 for the period of October 6, 2021 through December 31, 2021. (Four Votes Required)
2. Appoint Steven O'Neill as Interim County Counsel, effective October 6, 2021 through December 31, 2021, under the terms of the contract with Olivarez Madruga Lemieux O'Neill, LLP in Recommendation No. 1.
3. Approve Conflict Waiver Letter to provide informed written consent regarding a possible conflict of interest arising from Olivarez Madruga Lemieux O'Neill, LLP's work as city attorney for a city within the boundaries of the county.
4. Designate the Chair of the Board of Supervisors or the Chief Executive Officer to execute the Conflict Waiver Letter on behalf of the County, subject to review by County Counsel.
5. Direct the Chair of the Board of Supervisors or the Chief Executive Officer to transmit the Conflict Waiver Letter to the Clerk of the Board of Supervisors within 30 days of execution.
6. Ratify the issuance by County Counsel of a Purchase Order in the amount of \$15,000 to Olivarez Madruga Lemieux O'Neill, LLP for legal services as part of the transition to the Interim County Counsel. (Four Votes Required)

(Presenter: Curt Hagman, Chairman and Fourth District Supervisor, 387-4866)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of the recommended contract will not require the use of additional Discretionary General Funding (Net County Cost). Sufficient appropriation and revenue exists within the 2021-22 Countywide Discretionary budget to fund the costs related to this contract.

BACKGROUND INFORMATION

County Counsel provides legal services to the Board of Supervisors (Board) and County Departments pursuant to Government Code sections 26526 and 27640 et seq. and County Code sections 12.1901 et seq.

The current County Counsel is retiring and the Board, as the appointing authority, is recruiting to fill the position on a permanent basis. However, this recruitment will not be completed prior to retirement of the current County Counsel. The Board considered utilizing the services of a law firm (with a specified individual to be named as Interim County Counsel) until the County Counsel position is permanently filled, and made the appointment of Olivarez Madruga Lemieux O'Neill, LLP (OMLO) in closed session, as announced out by County Counsel, on September 14, 2021. Recommendation No. 2 specifically appoints Steven O'Neill from OMLO as Interim County Counsel, under the terms of the contract. It is anticipated that the services will commence on October 6, 2021 and continue through December 31, 2021, but can be terminated earlier per the terms of the recommended contract.

Interim County Counsel, Steven O'Neill, will act as the chief legal advisor to the Board, the Chief Executive Officer, all County elected officials and department heads, special districts, other County agencies and bodies whose governing boards may be made up of members of the Board (in whole or in part). Mr. O'Neill will carry out the legal duties and obligations of the Office of County Counsel as directed by the governing law identified above. In addition, the Interim County Counsel will conduct an evaluation of the County Counsel's office during the term of the contract.

The County may discharge OMLO at any time, upon 30 days' written notice, and OMLO may withdraw from providing legal services to the County at any time, upon 60 days' written notice.

OMLO has provided a Conflicts Waiver Letter, requesting the County to provide informed written consent regarding OMLO's work as city attorney to the City of Adelanto. OMLO does not believe this represents an actual conflict of interest but is providing this notification to the County in an abundance of caution. OMLO has implemented an ethical screen within its office to ensure no attorneys working on the County assignment will have any access to information regarding the City of Adelanto. In addition, the County Counsel's office will undertake necessary measures to establish a screen to prevent OMLO attorneys from access to files which may pertain to the City of Adelanto. Delegation of authority is requested for the Chair of the Board or County Executive Officer to execute the Conflict Waiver Letter on behalf of the County, subject to review by County Counsel.

With respect to Recommendation No. 6, County Counsel issued a Purchase Order contract in the amount of \$15,000 to OMLO to begin implementation of the transition from the current County Counsel to the Interim County Counsel. Pursuant to Title 1, Division 2, Chapter 19, Section 12.1908 of the County Code, County Counsel is authorized to select and retain specialized legal services in a particular matter not to exceed \$200,000 per fiscal year. Work under this Purchase Order contract will terminate if the Board approves the contract which is the subject of Recommendation No. 1. As the amount of the Purchase Order contract and the new recommended contract will exceed \$200,000 for similar services, County Counsel is seeking ratification of the issuance of the Purchase Order contract.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455) on September 28, 2021; Finance (Stephenie Shea, Administrative Analyst, 387-4919) on September 28, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on September 28, 2021.