



# San Bernardino County

## Legislation Text

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**File #: 7933, Agenda Item #: 4**

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

**May 9, 2023**

#### **FROM**

**SHARON NEVINS, Director, Department of Aging and Adult Services**

#### **SUBJECT**

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

#### **RECOMMENDATION(S)**

Approve Amendment No. 3 to contracts with the following agencies to provide real estate broker services, extending the contracts three additional months, for a total contract period of July 1, 2018 through September 30, 2023, with no other changes to the contract terms and conditions:

1. S. H. Spectrum, Inc., 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 are paid on a fee-for-service 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 three additional months, pending the completion of a formal procurement. The extension request is for only three months to allow time to complete the new procurement presently in progress with an anticipated award of contract(s) September 26, 2023.

The PG is appointed by the Superior Court of California to act as conservator of the 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 is to ensure the safety, both financial and physical, of each conservatee. 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.

On May 4, 2021 (Item No. 5), the Board approved Amendment No. 1 to extend the contracts listed in the Recommendation 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.

On June 14, 2022 (Item No. 6), the Board approved Amendment No. 2 to extend the contracts listed in the Recommendation one additional year, for a total contract period of July 1, 2018 through June 30, 2023, with no other changes to the contract terms and conditions.

On April 19, 2023, the County Administrative Office approved and authorized Human Services to release a Request for Qualifications (RFQ) to solicit proposals from qualified real estate brokers to list and sell real property of conservatees under conservatorship of the Public Guardian. The RFQ is currently being advertised through the County's Electronic Procurement Network (e-Pro) and was released on April 25, 2023. The deadline for proposals is June 5, 2023, and tentative contract award date is September 26, 2023.

Approval of this item will allow PG to extend the contract an additional three months with these agencies listed in the Recommendation section to provide real estate broker services throughout San Bernardino County for the contract period of July 1, 2018 through September 30, 2023. 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 (Patty Steven, Contracts Manager, 388-0241) on March 28, 2023; County Counsel (Jacqueline Carey-Wilson, Deputy County Counsel, 387-5455) on March 31, 2023; Finance (John Hallen, Administrative Analyst, 388-0208) on April 19, 2023; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on April 24, 2023.