

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

**March 15, 2022**

**FROM**

**JASON ANDERSON, District Attorney**

**SUBJECT**

Service Contract with Richard D. Jones, A Professional Law Corporation, dba Jones Mayer for Illegal Commercial Cannabis Civil Enforcement

**RECOMMENDATION(S)**

Approve service **Contract No. 22-168** with Richard D. Jones, A Professional Law Corporation, dba Jones Mayer, to perform civil enforcement services for illegal commercial cannabis cultivation from March 15, 2022 to December 31, 2023, with the option to extend for three one-year periods, in an amount not to exceed \$700,000.

(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

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

**Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Costs for these services include \$175,000 for 2021-22, \$350,000 estimated for 2022-23 and \$175,000 for 2023-24, and shall not exceed a total of \$700,000. Funding for costs associated with the District Attorney's (Department) Illegal Commercial Cannabis Task Force were allocated from the Community Concerns Reserve and approved by the Board of Supervisors (Board) on December 14, 2021 (Item No. 36). The estimated cost of \$175,000 for the remainder of 2021-22 and corresponding budget adjustments were approved in the same Board action. Adequate appropriation and revenue will be included in the Department's future recommended budgets. The Department plans to return to the Board to request funds in future recommended budgets if it is determined that the contract with the civil law firm should extend beyond 2023-24.

**BACKGROUND INFORMATION**

On December 14, 2021 (Item No. 36), the Department presented its prosecution strategy to fight illegal commercial cannabis cultivation in San Bernardino County. This strategy is a combination of civil and criminal action. Through the civil process, injunctive relief will be sought preventing continued illegal cannabis cultivation and when necessary, authority to clean up the property through abatement or receivership will be requested from the courts. In addition, civil penalties, attorneys' fees and costs may be imposed by the court. Concurrently, the Department will then criminally prosecute landowners for environmental crimes as well as other associated crimes. This combination of civil/criminal strategy can be applied regardless of whether the illegal grow site is operated by the owner or rented to an illegal grower.

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As mentioned in the December 14, 2021 item, the Department requests approval of a contract with Richard D. Jones, A Professional Law Corporation, dba Jones Mayer (law firm) to fulfill the civil aspects of the prosecution strategy. The Department will identify cases that need to be referred to the law firm and will discuss the type of civil enforcement strategy that the law firm will undertake. The law firm will review the cases and make recommendations for the legal actions that can be taken. The Department and County Counsel will reserve the right to approve or reject the proposed legal strategies that the law firm recommends.

Costs may vary according to complexity and severity of the cases; however, the Department will carefully screen cases before submitting them to the law firm to review. Efforts will be undertaken to include the causes of action necessary and applicable to recover all attorneys' fees and costs when allowable.

**PROCUREMENT**

County Policy 11-04 requires departments to obtain Board approval for the competitive and non-competitive purchase of services exceeding \$200,000 annually. In the fall of 2021, the Department contacted three recommended civil law firms to determine interest in a contract to perform civil abatement work, but none of these firms submitted a proposal. One of the law firms recommended the proposed law firm, Richard D. Jones, A Professional Law Corporation, dba Jones Mayer, a firm that specializes in municipal law, the enforcement of County ordinances, and corresponding Court-appointed receiverships. After a review of the proposal submitted by Richard D. Jones, A Professional Law Corporation, dba Jones Mayer, the firm was selected for contract award.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Kristina Robb, Principal Assistant County Counsel, 387-5455) on February 23, 2022; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on February 25, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on February 28, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on February 28, 2022.

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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: March 15, 2022



cc: DA - Peterson w/agree  
Contractor - C/O DA w/agree  
File - w/agree  
CCM 03/16/2022