

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

May 24, 2022

FROM

TOM BUNTON, County Counsel

SUBJECT

Agreement with The Sutton Law Firm for Specialized Legal Services

RECOMMENDATION(S)

1. Authorize the Purchasing Agent to increase Purchase Order No. 4100206592 with The Sutton Law Firm to increase the not-to-exceed contract amount by \$50,000, from \$200,000 to \$250,000, for 2021-22, in order to continue specialized legal services in connection with litigation in Superior Court related to ballot measures.
2. Authorize the County Counsel, Chief Assistant County Counsel, or Principal Assistant County Counsel to change or add attorneys, paralegals, consultants, or other legal staff assigned to represent the County in the lawsuit described below.
(Presenter: Tom Bunton, County Counsel, 387-5455)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Sufficient appropriation is included in the Litigation 2021-22 budget.

BACKGROUND INFORMATION

In November 2020 two measures passed to change the San Bernardino County charter. Measure J was the County's proposed revision of the entire Charter, and Measure K is a citizen's initiative to amend the charter provisions related to Supervisor term limits and salary. The County and the proponents of the above measures are in active litigation in the cases *Nadia Renner v. Lynna Monell* and *Gage Bruce v. County of San Bernardino* to determine the legal sufficiency of the initiatives.

The Sutton Law Firm specializes in political and election law and litigation, representing private and public entities involved in the political and legislative process on the local, state, and national level.

The average cost per invoice has been approximately \$10,000. Outside counsel projects Fiscal Year 2021-22 costs for this matter will be approximately \$50,000.

PROCUREMENT

Pursuant to Title 1, Division 2, Chapter 19, Section 12.1908 of the County Code and County Policy 11-04, County Counsel is authorized to select and retain, through a purchase order,

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specialized legal counsel for a particular matter not to exceed \$200,000 per fiscal year. Contracts for specialized legal services in excess of \$200,000 per fiscal year require Board of Supervisors' approval.

On September 9, 2020, the Purchasing Department approved Purchase Order No. 4100163797 in the amount of \$50,000 to retain the Sutton Law Firm to provide specialized legal services. On November 30, 2020, Purchase Order No. 4100163797 was increased by \$25,000, from \$50,000 to \$75,000, on February 23, 2021, it was increased by \$50,000, from \$75,000 to \$125,000, on June 1, 2021, it was increased by \$75,000, from \$125,000 to \$200,000. Purchase Order No. 4100163797 has been fully expended. On July 21, 2021, the Purchasing Department approved Purchase Order No. 4100206592 in the amount of \$175,000. On March 23, 2022, Purchase Order No. 4100206592 was increased by \$25,000 for a total of \$200,000.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Cynthia O'Neill, Principal Assistant County Counsel, 387-5455) on March 11, 2022; Purchasing Department (Michelle Churchill, Supervising Buyer, 387-2070) on May 9, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on May 9, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on May 9, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 24, 2022



cc: File- County Counsel
LA 06/1/2022