



# San Bernardino County

## Legislation Text

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**File #: 5243, Agenda Item #: 77**

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

**December 7, 2021**

#### **FROM**

**STEVEN O'NEILL, Interim County Counsel, County Counsel**

#### **SUBJECT**

Introduction of an Ordinance Amending the San Bernardino County Code Relating to Authority to Select and Retain Outside Legal Counsel

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

1. Consider proposed ordinance relating to the amendment of Section 12.1908 of the San Bernardino County Code relating to authority to select and retain outside legal counsel.
2. Make alterations, if necessary, to proposed ordinance.
3. Approve introduction of proposed ordinance.
  - An ordinance of San Bernardino County, State of California, to amend Section 12.1908 to Chapter 19 of Division 2 of Title 1 of the San Bernardino County Code relating to authority to select and retain outside legal counsel.
4. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, DECEMBER 14, 2021, on the Consent Calendar.

(Presenter: Steven O'Neill, Interim County Counsel, 387-5455)

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

**Improve County Government Operations.**

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

#### **FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost).

#### **BACKGROUND INFORMATION**

Section 12.1908 to Chapter 19 of Division 2 of Title 1 of the San Bernardino County Code authorizes the County Counsel to select and retain all outside legal counsel engaged in the representation of the County, or other agency, board, commission, or person authorized to receive legal services from County Counsel, for a particular matter not to exceed \$200,000 per fiscal year.

In addition to the authority granted to County Counsel, the proposed ordinance amends Section 12.1908 to Chapter 19 of Division 2 of Title 1 of the San Bernardino County Code, to give the Chief Executive Officer the authority, as directed by the Board of Supervisors (Board) in specified circumstances, to select and retain legal counsel to represent the County and any other agency, board, commission, or person authorized to receive legal services from County Counsel for a particular matter not to exceed \$200,000 per fiscal year. This revision

also specifies that the Chief Executive Officer shall consult with the County Counsel on any potential conflict of interest prior to formal engagement of outside legal counsel.

On November 28, 2006 (Item No. 42), the Board adopted an ordinance that established County Code Section 12.1908, which authorized County Counsel to select and retain outside legal counsel in specialized areas of law for a particular matter, not to exceed \$100,000 per fiscal year. On January 8, 2019 (Item No. 53), the Board adopted Ordinance No. 4356, amending the authority of County Counsel to retain outside legal services for a particular matter from \$100,000 to \$200,000 per fiscal year, due to the increased cost of specialized outside legal counsel.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Steven O'Neill, Interim County Counsel, 387-5455) on December 3, 2021; Finance (Stephenie Shea, Administrative Analyst, 387-4919) on December 3, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on December 3, 2021.