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The following contains news media accounts referencing the County of San Bernardino and other items concerning issues of importance or interest to the county. Items that may be unflattering to the county or even untrue are included to make the organization aware of what the public is seeing.
County attorneys quit over Colonies settlement

By Jeff Horwitz
Staff Writer

The county Board of Supervisors defied the advice of its own attorneys when it narrowly approved a $102 million settlement with developer The Colonies Partners LP, a supervisor said Wednesday.

In the wake of the San Bernardino County supervisors' action, the private firm that helped represent the county has quit.

That firm, Jones Day, had represented the county since last spring, when the county's prior firm also withdrew after questioning supervisors' judgment in pursuing what it said was an excessive settlement.

On Wednesday, Jones Day's attorneys submitted documents to the county announcing their resignation, said Bob Page, chief of staff to Supervisor Josie Gonzales.

Two Jones Day attorneys who had handled the county's case declined to comment on their firm's decision to resign.

But Supervisor Dennis Hansberger, who opposed the settlement, said the firm explicitly told the county that it would resign if the county reached a settlement that the attorneys deemed unjustifiable.

The firm said any settlement "had to be within certain parameters," Hansberger said. "They told us they might have to fire us as a client."

The county's own internal legal team also advised against making the deal, the supervisor said.

The 33-page settlement agreement, signed shortly after the settlement was announced, bears the signatures of Board Chairman Bill Postmus, representatives of the Colonies Partners and Edward Panelli, a retired state Supreme Court justice who served as a paid mediator in a series of recent talks.

It does not, however, bear the signature of any county attorney. Acting County Counsel Ruth Stringer declined to explain the omission.

"I'm not at liberty to say why we sign some things, which ones we don't, and why," she said.

The approval of a settlement without the signature of the county's legal staff is unprecedented, Hansberger said. Even in instances when county attorneys have disagreed with the supervisors' decision to settle a case but found the decision reasonable, Hansberger said, they have signed off.

In the case of the Colonies settlement, the office "may have been unable to do so for one or more reasons," Hansberger said.

County attorneys did, however, urge him to vote against the settlement, he said. He would not elaborate.

The board's settlement is valid even without the support of the County Counsel's Office. On Tuesday afternoon, county spokesman David Wert said, Walker authorized the settlement's initial $22 million wire transfer to the Colonies.

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A CLOSER LOOK

For well over four years, Upland developer the Colonies Partners LP has argued the San Bernardino County Flood Control District did not obtain the proper authorization before building a massive storm drain which discharges onto its property.

While a panel of appellate judges overturned an initial ruling in the developer's favor, San Bernardino Superior Court Judge Christopher Warner found the county had been both negligent and disingenuous, that it had "turned on" a storm drain and "walked away."

Rather than pursue a second appeal, the county settled the case Tuesday for $102 million. An initial $22 million payment has already been wired to the developer, and the county hopes to issue bonds paying for the rest. Under the settlement, the county has agreed to:

- Drop its suit against the city of Upland in exchange for a $2 million payment "by or on behalf of the city" if the city wishes.
- Concede that a 67-acre basin on the Colonies property would have been used for houses if it weren't for the flood-control district's actions. County attorneys have regularly argued that the land -- formerly gravel pits -- was usable open space in the past. The Colonies original plans submitted to and authorized by the city of Upland show part of the basin land as being reserved for open space.

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