

RESOLUTION NO. 21-024

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE ISSUANCE OF SUBPENAS FOR DOCUMENTS AND THE EXAMINATION OF PERSONS RELATED TO THE COUNTY'S CONTRACT WITH ORTNER MANAGEMENT GROUP

WHEREAS, Government Code section 25170 provides that whenever a board of supervisors deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of the board, or to use, inspect or examine any books, account, voucher, or document in the possession or under the control of the person relating to the affairs of the county, the chair of the board shall issue a subpoena, in proper form, commanding the person to appear before it, at a time and place specified, to be examined as a witness, which subpoena may require the person to produce all books, papers and documents in his or her possession or under his or her control, relating to the affairs or interests of the county; and

WHEREAS, Government Code section 25171 provides that the board may confer upon a committee the power to send for persons or papers, in which case the chair of that committee has all the powers and duties of the chair of the board of supervisors; and

WHEREAS, the State of California Department of Health Care Services is preparing to engage in a regular audit of Mendocino County regarding its contracts for specialty mental health services, including but not limited to Board or Supervisors Agreement No. 13-016 with Ortner Management Group ("OMG"); and

WHEREAS, subsequent to the termination of the County's contract with OMG, OMG dissolved its corporate form; and

WHEREAS, County staff have requested, verbally and in writing, that the persons who formerly served as officers or agents, or who may currently be successors in interest, of OMG provide to the County documents related to OMG's provision of services pursuant to the County's contract with OMG, including all documents between OMG and any contractors, subcontractors or vendors used by OMG to provide services to the County; and

WHEREAS, the those persons contacted for this information have failed to comply with the County's requests to provide said documents, which are essential to the County's ability to respond to the forthcoming audit by the State; and

WHEREAS, authorizing the issuance of subpoenas in this matter is necessary and important to the County in order to have all records and documents relating to the OMG contract available for the State audit, as well as for the County's ability to analyze OMG's performance under the contract for the County's own purposes.

NOW, THEREFORE, BE IT RESOLVED by the Mendocino County Board of Supervisors as follows:

1. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. The issuance of subpoenas in this matter is necessary and important to the County for the reasons stated above.

3. The Chair of the Board of Supervisors is authorized to issue subpoenas for the production of records and/or for personal examination as a witness to any persons who may have information or documents related to the performance of specialty mental health or other services for the County of Mendocino in connection with any contract to Ortner Management Group.
4. Should the Board of Supervisors assign all or part of this matter to a committee of the Board of Supervisors in the future, the chair of that committee shall have all the powers and duties conferred by this Resolution on the Chair of the Board of Supervisors.
5. The subpoenas to be issued pursuant to this Resolution shall be in a form prepared by the County Counsel.
6. Failure to comply with subpoenas issued pursuant to this Resolution shall subject the subpoenaed parties to the remedies set forth in Government Code section 25170 *et seq.* or as otherwise provided by law.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 23rd day of February, 2021, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
 NOES: None
 ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
 Clerk of the Board

 DAN GJERDE, Chair
 Mendocino County Board of Supervisors

 Deputy

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
 CHRISTIAN M. CURTIS, County Counsel

BY: CARMEL J. ANGELO
 Clerk of the Board

 Deputy