



Mendocino County

Legislation Details (With Text)

File #: 21-0784 **Version:** 1 **Name:**
Type: Communication **Status:** Agenda Ready
File created: 6/28/2021 **In control:** Sheriff-Coroner
On agenda: 7/20/2021 **Final action:**
Title: Discussion and Possible Action Including Approval of Agreement with the Law Office of Duncan M. James in the Amount of \$50,000 to Provide the Sheriff with Legal Assistance Pursuant to Government Code section 31000.6, Effective Upon Execution with No Term End Date (Sponsor: Sheriff-Coroner)
Sponsors: County Counsel
Indexes:
Code sections:
Attachments: 1. 07-20-21 Agreement, 2. 07-20-21 Sheriff Correspondence

Date	Ver.	Action By	Action	Result
7/20/2021	1	Board of Supervisors		

To: Board of Supervisors

From: Sheriff-Coroner

Meeting Date: July 20, 2021

Department Contact: Sheriff Matt Kendall

Phone: 463-4085

Item Type: Regular Agenda

Time Allocated for Item: 30 Min

Agenda Title:

Discussion and Possible Action Including Approval of Agreement with the Law Office of Duncan M. James in the Amount of \$50,000 to Provide the Sheriff with Legal Assistance Pursuant to Government Code section 31000.6, Effective Upon Execution with No Term End Date (Sponsor: Sheriff-Coroner)

Recommended Action/Motion:

Approve Agreement with the Law Office of Duncan M. James in the amount of \$50,000 to provide the sheriff with legal assistance pursuant to Government Code section 31000.6, effective upon execution with no term end date; authorize Chair to sign same.

Previous Board/Board Committee Actions:

None.

Summary of Request:

The office of County Counsel serves as the legal advisor to all County departments and officials on matters related to County business. Because county government divides authority between separately elected officials,

however, there are some situations in which County Counsel cannot advise two officials or bodies simultaneously. Specifically, County Counsel may be ethically required to abstain from simultaneously advising or representing different bodies or officials if they have contrary positions in a matter in which they have sufficient independent authority to litigate against each other.

Per Government Code section 31000.6, should such a conflict of interest arise, the Board is required to contract with an outside law firm to assist the Sheriff in the performance of his duties. The Board may limit the scope of that contract to those issues for which County Counsel has an ethical conflict.

At this time, County Counsel believes that such a conflict of interest exists as to two discrete issues: (1) the operation of the Mendocino County Sheriff's Office information technology infrastructure (IT), including but not limited to budget and potential litigation relating thereto; and (2) the extent of any authority the Sheriff may have to spend county funds for non-emergency expenses beyond what has previously been budgeted and appropriated. Recent statements made by the Sheriff's Office have clarified that the Sheriff holds a position that is contrary to the Board of Supervisors, and Sheriff Kendall has expressed a desire for outside counsel.

In light of this conflict of interest, County Counsel recommends that the Board contract with outside counsel to provide legal services in this area. Sheriff Kendall has indicated that he would like to be represented by the Law Office of Duncan M. James. The proposed agreement for services in the scope of the identified conflicts is attached.

Alternative Action/Motion:

Return to staff for alternative handling.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: n/a

Fiscal Details:

source of funding: 2310 SO - 862239

current f/y cost: \$50,000

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: No

if no, please describe: Unanticipated expense

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Executive Office

CEO Review: Review as to agenda item form

CEO Comments: CEO has no comments due to lack of authority on this issue.

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Executed By: Atlas Pearson, Deputy Clerk I

Date: July 22, 2021

Final Status: Direction Given to Staff



