



# Mendocino County

## Legislation Text

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**File #:** 20-0980, **Version:** 1

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**To:** Board of Supervisors

**From:** County Counsel

**Meeting Date:** October 20, 2020

**Department Contact:** Christian Curtis

**Phone:** 234-6885

**Item Type:** Regular Agenda

**Time Allocated for Item:** 10 min.

**Agenda Title:**

Discussion and Possible Action Regarding Disclosure of County Counsel's Legal Analysis Regarding the Duration of a Sheriff's Term Following Appointment  
(Sponsor: County Counsel)

**Recommended Action/Motion:**

Direct County Counsel whether to make public the specific legal analysis and authorities relied upon in advising the Board as to the duration of the Sheriff's term following appointment.

**Previous Board/Board Committee Actions:**

On October 13, 2020, during public comment, a member of the public expressed a desire to know the specific statutes and other authorities County Counsel relied upon when advising the Board of Supervisor on December 17, 2019, as to the duration of its appointment of Sheriff Matthew Kendall. At that time, comments by several Board members indicated a desire to address this issue once properly agendized.

**Summary of Request:**

A member of the public has requested information as to the specific statutes, attorney general opinions, and other legal authority relied upon by County Counsel in advising the Board of Supervisors as to the duration of the appointment it made of Sheriff Matthew Kendall and the Board's inability to call for an election until the expiration of that term. This information is legally privileged and exempt from disclosure, but may be shared should the Board of Supervisors so choose. County Counsel seeks direction from the Board as to whether it wishes to waive privilege and share this information at this time.

County Counsel takes no position on the appropriateness of disclosure in this instance. Should the Board decide to share this research, then it is advised that the Board clarify that this is not intended as precedent of waiving counsel's advice generally, but is instead a case-specific determination based on unique policy factors, including the need to maintain confidence and transparency in the election and appointment to County government.

**Alternative Action/Motion:**

N/A

**Supervisory District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** n/a

**Fiscal Details:**

**source of funding:** N/A

**current f/y cost:** N/A

**annual recurring cost:** N/A

**budget clarification:** N/A

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** N/A

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

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**CEO Liaison:** Darcie Antle, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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**Executed By:** Atlas Pearson, Deputy Clerk I

**Date:** OCTOBER 21, 2020

**Final Status:** Direction Given to Staff

