



# Mendocino County

## Legislation Text

---

File #: 21-0885, Version: 1

---

**To:** Board of Supervisors

**From:** County Counsel

**Meeting Date:** August 3, 2021

**Department Contact:** Christian Curtis

**Phone:** 234-6885

**Item Type:** Regular Agenda

**Time Allocated for Item:** 30 min.

**Agenda Title:**

Discussion and Possible Action Including Selection of Outside Counsel to Provide Legal Advice and Representation to the Mendocino County Sheriff's Office Regarding Areas in Which County Counsel Has a Conflict of Interest

(Sponsor: County Counsel)

**Recommended Action/Motion:**

Select outside counsel to provide legal advice and representation to the Mendocino County Sheriff's Office regarding areas in which County Counsel has a conflict of interest.

**Previous Board/Board Committee Actions:**

On 7/20/21, the Board of Supervisors considered a request from Sheriff Matthew Kendall to contract with the Law Offices of Duncan James to provide legal services for the Sheriff's Office.

**Summary of Request:**

Sheriff Kendall has asked the Board of Supervisors to provide him with outside counsel to advise him on (1) his ability to spend County funds contrary to the budget restrictions created by the Board of Supervisors and (2) his ability to compel the Board of Supervisors to provide him with information services staff independent of that from the County I.S. Department. On July 20, 2021, the Board of Supervisors indicated that it is willing to provide outside counsel to Sheriff Kendall. However, the Board of Supervisors also indicated that it was unwilling to hire the sole law firm presented by Sheriff Kendall, based on concerns over their prior billing practices and the fact that they are presently adverse to the County of Mendocino in a separate litigation matter.

Because Sheriff Kendall was unwilling to provide any potential alternative law firms, the Board of Supervisors asked County Counsel to provide information on other firms that may be able to take this work. County Counsel has gathered information from firms that perform this type of work, received referrals and recommendations, and inquired as to their availability. Proposals were received from: Aaronson, Dickerson, Cohn & Lanzone, PC; Cole Huber, LLP; Manning & Kass, LLP and Porter Scott, PC. Billing rates ranged from \$250 per hour to \$300 per hour.

County Counsel recommends that the Board offer Sheriff Kendall the opportunity to meet with these firms, or

others that he may desire, and indicate his preference to the Board. If, however, the Sheriff is unwilling to do that, then the Board should select the firm it believes to be most competent and cost-appropriate to handle this matter. That firm can then either be contracted with or, if need be, submitted as the Board's nominee to the presiding judge under Government Code section 31000.6.

**Alternative Action/Motion:**

Provide alternate direction to staff.

**How Does This Item Support the General Plan? n/a**

**Supervisorial 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:** Yes

---

**CEO Liaison:** Executive Office

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

---

Executed By: Atlas Pearson, Deputy Clerk I

Date: August 4, 2021

Final Status: **Withdrawn**

