



Mendocino County

Legislation Text

File #: 21-0917, 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 and Designation of Scope of Conflict Work
(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. Designate the scope of the conflict in order to define the contract's scope of work.

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

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: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Date: August 4, 2021

Final Status: No Action Taken

