



Mendocino County

Legislation Text

File #: 21-1266, Version: 1

To: Board of Supervisors

From: County Counsel

Meeting Date: November 15, 2021

Department Contact: Christian Curtis

Phone: 234-6885

Item Type: Regular Agenda

Time Allocated for Item: 15 Min

Agenda Title:

Discussion and Possible Action Including Approval of Agreement with Manning & Kass for Legal Assistance for Mendocino County Sheriff's Office in the Amount of \$50,000 Effective November 16, 2021 Through June 30, 2022
(Sponsor: County Counsel)

Recommended Action/Motion:

Approve agreement with Manning & Kass for legal assistance for Mendocino County Sheriff's Office in the amount of \$50,000, effective November 16, 2021 through June 30, 2022; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On August 3, 2021, the Board of Supervisors considered 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; by general consensus the Board authorized the hiring of Manning & Kass to represent the Sheriff, in the event that the Sheriff does not choose one of the four firms submitted for consideration.

Summary of Request:

Under Government Code section 31000.6, the Board of Supervisors is required to contract with outside counsel to the Sheriff when specific legal services necessary for the performance of his duties cannot be provided by County Counsel due to a conflict of interest. Previously, the Board of Supervisors agreed to provide Sheriff Kendall with such counsel, but did not agree with the Sheriff's preferred law firm due to concerns over costs and conflict of interest. Sheriff Kendall subsequently initiated a court proceeding (*Kendall v. Board of Supervisors*, 21CV00561) seeking an order to compel the Board to contract with his preferred firm. That matter is still pending in the Mendocino County Superior Court.

Under the relevant statute, the Board has an obligation to provide counsel without first waiting for an order of the Court. Although the Sheriff is litigating over the selection of counsel, County Counsel recommends entering into this agreement to assure that the Board is in compliance with its statutory obligations. The vendor has been made aware that the agreement might have to be terminated depending on what orders the Superior Court ultimately issues. Additionally, the vendor is aware that Sheriff Kendall might choose not to engage their services until that litigation has been resolved.

Alternative Action/Motion:

Take no action at this time.

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: 1015

current f/y cost: 862189

annual recurring cost: n/a

budget clarification: An adjustment will be needed.

budgeted in current f/y: No

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 II

Date: November 16, 2021

Final Status: Approved

Executed Item Type: Agreement **Number:** 21-196

Note to Department Number of Original Agreements

Returned to Dept: 0 Original Agreement Delivered to Auditor?

No

