RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes  No x)
Costs of Legal Counsel Regarding Fair Political Practices Investigation for Supervisor Art Baggett

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors directed staff to develop an estimate of the cost of responding to the Fair Political Practices Commission inquiries for information. In responding to the Fair Political Practices Commission inquiries for information regarding potential conflicts of interest, the County has sought representation from a redevelopment specialist and our existing redevelopment attorney, David Beatty. This representation follows an existing contract with Beatty’s firm (McDonough, Holland & Allen) related to redevelopment.

In addition, at the time inquiries began regarding Art Baggett’s participation in redevelopment, Mr. Baggett sought separate counsel. This was based upon the potential of a split in the interest between the County and Mr. Baggett in any potential future defense if the FPPC ever determines to file charges. The attorney retained by Mr. Baggett is a recognized expert in the FPPC area.

The Board of Supervisors has requested information as to a dollar amount that the reimbursement to Mr. Baggett could reflect. A meeting was conducted with the County’s attorney (David Beatty) and Mr. Baggett’s attorney with the Administrative Officer to identify a reasonable figure for preparation of the appropriate FPPC response. Since there is a great deal of uncertainty as to how far the FPPC may determine to pursue this case, this item recommends the Board’s authorization to reimburse Art Baggett for actual attorney costs in the FPPC case not to exceed $10,000. If additional authority is required at later stages in the investigation (if pursued by the FPPC) additional authority will be sought.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1. Authorize reimbursement for a ceiling of $10,000 at the present time.
2. Authorize reimbursement for a different figure than $10,000.
3. Do not authorize reimbursement.

COSTS:
A. Budgeted current FY
B. Total anticipated costs $10,000
C. Required additional funding $10,000
D. Internal transfers

SOURCE:
A. Unanticipated revenues
B. Reserve for contingencies
C. Source description: Balance in Reserve for Contingencies, if approved: $0

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK’S USE ONLY:
Res. No.: 2 78
Vote - Ayes: 5
Absent: 0
Approved: 1
Denied: 0
Minute Order Attached: ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: 9-15FPPC

ADMINISTRATIVE OFFICER’S RECOMMENDATION:
This item on agenda as:
K Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

Comment:

A.O. Initials: ____________
THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA
ADOPTED THIS Order on September 22, 1992

ACTION AND VOTE:

Costs of Legal Counsel Regarding Fair Political Practices Investigation for Supervisor Art Baggett (Administrative Officer)
BOARD ACTION: (M)Radanovich, (S)Erickson, Res. 92-481 adopted approving costs as recommended, to be paid from Liability Fund/Ayes: Punte, Erickson, Radanovich; Noes: Taber; Excused: Baggett.

cc: Supv. Baggett
    Auditor
    File