

DEPARTMENT: Administration BY: John W. McCamman PHONE: 966-4744

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:

On September 15, 1992, the Board approved costs up to \$10,000 for legal counsel for Art Baggett regarding the Fair Political Practices Commission investigation. County Counsel and the County redevelopment counsel, David Beatty, were required to recuse themselves from representation of Supervisor Baggett due to potential conflicts of interest.

The attached memorandum from Supervisor Baggett and letter from his counsel, Robert Leidigh request that the Board of Supervisors approve additional costs for legal counsel. The fees have at this time exceeded the ceiling amount by approximately \$1,000. Both Supervisor Baggett and Mr. Leidigh indicate that the end appears to be in sight.

Does the Board of Supervisors want to approve additional reimbursement for costs of legal counsel for Supervisor Baggett regarding the investigation of the Fair Political Practices Commission?

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Authorize reimbursement with a ceiling amount.
2. Do not authorize reimbursement.

COSTS: () Not Applicable
 A. Budgeted current FY \$ _____
 B. Total anticipated costs \$ _____
 C. Required additional funding \$ _____
 D. Internal transfers \$ _____
 9, 1992

SPECIAL INSTRUCTIONS:
 List the attachments and number the pages consecutively:
Memorandum from Supervisor Baggett dated December

SOURCE: () 4/5ths Vote Required
 1992
 A. Unanticipated revenues \$ _____
 B. Reserve for contingencies \$ _____
 C. Source description: _____
 Balance in Reserve for Contingencies, _____
 if approved: \$ _____

Letter from Attorney Leidigh, dated December 8,

CLERK'S USE ONLY:
 Res. No.: 92-669 Ord. No. _____
 Vote - Ayes: _____ Noes: _____
 Absent: _____ Abstained: _____
 () Approved () Denied
 (x) Minute Order Attached () No Action Necessary

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

The foregoing instrument is a correct copy of the original on file in this office.
 Date: _____
 ATTEST: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

Comment: _____

 A.O. Initials: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: SUPERVISOR BAGGETT
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*
RE: COSTS FOR FAIR POLITICAL PRACTICES
INVESTIGATION

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on December 15, 1992

ACTION AND VOTE:

Discussion and Direction Concerning Costs for Fair
Political Practices Investigation for Supervisor
Baggett (Administrative Officer)

BOARD ACTION: (M)Erickson, (S)Radanovich, Res. 92-669
adopted authorizing up to an additional \$2,000 for
reimbursement of legal costs/Ayes: Punte, Erickson,
Radanovich; Noes: Taber; Excused: Baggett.

cc: Supervisor Erickson, Chairman
Jeff Green, County Counsel
Evelyn Billings, Auditor
Administrative Office
File

Mariposa County Board of Supervisors



JOHN W. McCAMMAN
Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222

DISTRICT 1 ARTHUR G. BAGGETT, JR.
DISTRICT 2 SALLY S. PUNTE
DISTRICT 3 ERIC J. ERICKSON
DISTRICT 4 GEORGE P. RADANOVICH
DISTRICT 5 GERTRUDE R. TABER

December 8, 1992

To: John W. McCamman, Administrative Officer
From: Arthur G. Baggett, Jr., Supervisor District 1
Subject: Fair Political Practices Commission Investigation

I would like you to ask the Board for approval for reimbursement for legal fees resulting from Mr. Robert Leidigh's counsel to proceed through the next phase of the Fair Political Practices Commission (FPPC) investigation of my alleged conflict of interest. I have asked Mr. Leidigh to provide the County with a letter explaining his role and the necessity for additional legal services.

As you are aware, the FPPC has interviewed County Counsel, numerous County officials, and myself. According to the investigator, we should have a decision within the next 60 days.

I still believe it appropriate that the County continue its commitment to pay the legal fees for this investigation because:

1. I acted appropriately in good faith consistent with my understanding of the law;
2. County Counsel, who is familiar with all of the pertinent documents and plans, would have normally represented and advised me but has had to recuse himself;
3. Mr. David Beatty, our consulting attorney, advised me in July to seek independent counsel familiar with this area of the law because he was also recused as previously discussed with the Board.

I understand how confusing this process may seem. Not having advice from counsel would be like going into an IRS audit of one's profession or business without the advice and presence of one's accountant or CPA. Unfortunately, in this case, counsel has had to read and understand over two feet of documents, resolutions and maps. As the Board is aware, these planning documents are not simple for one who was present and familiar with the area and history, so to start from scratch has taken a lot of time. It is unfortunately necessary before counsel can address the issues raised by the Grand Jury.

John W. McCamman, Administrative Officer
Re: FPPC Investigation

December 4, 1992
Page 2

The light is visible at the end of the tunnel. In addition to the above, I would suggest that because County Counsel has recused himself, and in absence of an Administrative Officer, the Chair of the Board be directed to review and sign the invoices for reimbursement.

sl

OLSON

CONNELLY

HAGEL

FONG &

LEIDIGH



December 8, 1992

HAND DELIVERED

John W. McCamman, Administrative Officer
Mariposa County
Mariposa, California

RE: REPRESENTATION OF ART BAGGETT; COSTS

Dear Mr. McCamman:

At our previous meeting in late August, I provided you with an estimate of the fees necessary for my representation of Supervisor Art Baggett through "Phase I" of the FPPC investigation. That investigation has already entered "Phase II" with the interview of Supervisor Baggett and numerous other Mariposa County officials. The previously authorized funds for "Phase I" representation have been exhausted. Additional funds will be required to complete "Phase II."

LANCE H. OLSON
BRUCE J. HAGEL
LEROY Y. FONG
ROBERT E. LEIDIGH
GEORGE WATERS
DIANE M. FISHBURN

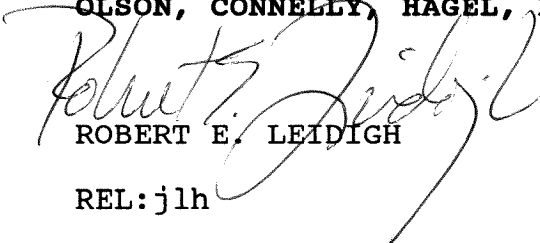
Of Counsel
LLOYD G. CONNELLY

As you know, my involvement was necessitated by the recusal of both County Counsel, Jeff Green, and Redevelopment Agency Counsel, David Beatty. Because the County Counsel's office consists of only one attorney, there remained no "in-house" counsel who could handle the matter. Hence, outside counsel was required and it has been necessary for me to become familiar with the facts and background in this matter - no small task.

In order to properly represent Supervisor Baggett, some additional work needs to be done by me to complete "Phase II." However, it would appear that the end may at long last be in sight. I urge your continued financial commitment to seeing this matter resolved.

Very truly yours,

OLSON, CONNELLY, HAGEL, FONG & LEIDIGH


ROBERT E. LEIDIGH

REL:jlh

cc: Art Baggett

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