RESOLUTION - ACTION REQUESTED 2020-728

MEETING: December 15, 2020

TO: The Board of Supervisors

FROM: Rene LaRoche, Clerk of the Board

RE: Public Hearing - Sheriff Appointment

RECOMMENDATION AND JUSTIFICATION:

Conduct a Public Hearing to Consider Applicant for Appointment to Fill the Unexpired Term of the Mariposa County Sheriff - Coroner - Public Administrator.

On November 10, 2020, Douglas Binnewies, the elected Mariposa County Sheriff - Coroner - Public Administrator announced his retirement effective December 28, 2020, which leaves approximately 24 months of his term unexpired. Under Government Code section 25304 of California state law, unexpired elected terms for the position of sheriff are to be filled by the Board of Supervisors.

Under the Board’s approved Process to Fill Vacancies of Elected Offices, the procedure to fill the vacancy requires several steps. The first step of the process was accomplished on November 17, 2020 when the Board approved the Application Packet, set the Application deadline, and scheduled two public hearings. Since then, the Clerk of the Board prepared the Application packet, sent out the press release, and distributed the application packet to surrounding counties as well as the California State Sheriff’s Association. Only one application was received by the deadline of December 7, 2020. Because of that, the Board has the latitude to make its final appointment today. However, if the Board needs additional time for any reason, it may continue the matter to the second public hearing scheduled for December 22, 2020.

Consequently, the Board is now being asked to conduct a public hearing to consider the applicant for the position of Sheriff - Coroner - Public Administrator. The relevant procedure from the Board’s approved Process to Fill Vacancies of Elected Offices is attached to guide the process.

BACKGROUND AND HISTORY OF BOARD ACTIONS:


November 17, 2020: The Board approved the Application Packet, set the Application deadline of December 7, 2020 at 5:00 PM, and scheduled public hearings for
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December 15, 2020, and December 22, 2020 to consider applications and applicants.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

If the Board does not appoint a replacement, the office of Sheriff will remain unfilled. Under state law, a provision exists for the duties of the office to be “temporarily discharged” by the Undersheriff “with like authority and subject to the same obligations and penalties” as the Sheriff-Coroner-Public Administrator until the vacancy in the office is filled in the manner provided by law. However, the time frame constituted by “temporarily discharged” is not defined and could be an issue given that a Sheriff is one of only three County officers required by provisions of the State’s Constitution.

**ATTACHMENTS:**
Procedure - 1st Hearing, 3 or fewer applicants (PDF)
BRIESE - Application - redacted (PDF)

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Merlin Jones, District II Supervisor
**SECONDER:** Marshall Long, District III Supervisor
**AYES:** Smallcombe, Jones, Long, Cann, Menetrey
The following action was taken by the Mariposa County Board of Supervisors on December 15, 2020:

J.1 Clerk of the Board of Supervisors  RES-2020-728

Conduct a Public Hearing to Consider Applicant for Appointment to Fill the Unexpired Term of the Mariposa County Sheriff - Coroner - Public Administrator

René LaRoche gave the staff report.

2:04 PM Chair Cann opened the public hearing.

During public comment, Pete Judy, Doug Binniewies, Steve Ward, and Jim Allen/Retired Sheriff-Retired Supervisor spoke in support of the appointment of Jeremy Briese to the position.

Jeremy Briese provided additional letters of support and discussed his background and qualifications for the position.

Board discussion and questions ensued. Sensing consensus, the Chair invited action and the appointment was approved. The Chair directed that the second hearing be cancelled. The Clerk of the Board administered the Oath of Office.

ACTION:
Upon Motion of Jeremy Briese was appointed to the position of Mariposa County Sheriff - Coroner - Public Administrator effective December 29, 2020.

RESULT:  ADOPTED [UNANIMOUS]

MOVER:  Merlin Jones, District II Supervisor

SECONDER:  Marshall Long, District III Supervisor

AYES:  Smallcombe, Jones, Long, Cann, Menetrey