

John D'Agostini
Sheriff / Coroner / Public Administrator
April 25th, 2011

Honorable Board of Supervisors
Ladies and Gentlemen

I'm here before you today for two reasons;

First, because you, the Board requested information regarding the staffing of my office and further information on my budget.

Undersheriff, Richard Williams and El Dorado County Sheriff Office Fiscal Administrative Manager, Don Ashton will be presenting those shortly.

Second, to tell you that I was appalled at the treatment and disrespect you showed me, my office and my staff after my presentation to you on April 5th.

A little history.

My staff and I worked diligently with your CAO's office until a budget target was agreed upon. Apparently you had no idea regarding this as I was also instructed by your CAO NOT to present you with organization charts or staffing responsibilities. We met your budget target after hours upon hours of work by myself and my staff. Then to have statements such as "If you can cut that much I guess we've been giving you too much all along" or "We can't approve your budget unless we know how you're spending it". Another statement made by this board that if I didn't start working with the board and providing information requested, the board would be forced to use its budgetary powers to control the operation of my office. These statements are wrong, irresponsible, arrogant and unlawful.

I want to remind the board that I don't work for you. I am a constitutional, independent elected official. I work for the people of El Dorado County. They elected me to provide the best law enforcement services with the funding provided. The Board's authority is to allocate how much funding I receive.

The law is clear on this.

In *Leon vs the County of San Diego* in 2000, the district court stated the Sheriff is functionally independent from control by the county Board of Supervisors.

In *Hicks vs the Orange County Board of Supervisors* in 1977 the appellate court ruled the board does not have the power to control the manner in which the Sheriff performs his or her duties. This case has been restated numerous times in numerous cases throughout the state when conflicts arise between boards and elected officers. Also in *Hicks*, the court ruled a Board of Supervisors has no legal authority to use its budgetary power to control employment in or operation of the Sheriff's Office. Only the Sheriff has control of and responsibility for, distribution and training of personnel and the specific use of the funds allocated to him or her by the board of supervisors. Any attempt to reorganize the Sheriff's Office or exert any control over the organization would be an example of the unconstitutional interference with the Sheriff.

There was a statement by this board regarding the necessity and duties of District Attorney Investigators versus the necessity and duties of Sheriff's Investigators. This topic is also addressed in *Hicks* and I encourage the Board to consult with County Counsel on all these matters.

In 1997, the appellate court ruled in *Brandt vs the Madera County Board of Supervisors* that the board has no legal authority to use its budgetary power to control employment in or operation of the Sheriff's Office. Only the Sheriff has control of and responsibility for distribution and training of personnel and the specific use of the funds allotted to him.

Also in Brandt, the court, in interpreting Government code section 26605 stated "the jail is under the control of the Sheriff and the board of supervisors has no direct authority over the jail. The only clear and present duty enjoined by law upon a board of supervisors with regard to a county jail is to provide the sheriff with food, clothing, and bedding for prisoners and to pay as a county charge other expenses incurred in the keeping of prisoners."

In another case, Scott vs the Common Council of the City of San Bernardino, in 1996, the court of appeal ruled that "the power of the board of supervisors to supervise county officers shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the Sheriff and District Attorney of a county.

In 1994, the California Attorney General also addressed these issues and stated "the distinction to be drawn is between the power of a board of supervisors to appropriate county funds and the power of a sheriff to manage the expenditure of the funds so appropriated." A county board of supervisors IS NOT authorized to govern the actions of a Sheriff, concerning the manner in which his or her respective budget allotments are expended or the manner in which personnel are assigned.

Since that meeting on the 5th I've heard from numerous people that you don't think the new Sheriff is amusing. Well, I'm not trying to be amusing nor am I amused. I have a business to run, a service to provide to the citizens of El Dorado County, that includes you and your constituents. You've all stated you want to work "With" me and that you "want me to succeed" yet my office receives an attitude of micromanagement and control from the board of Supervisors. I don't tell you how to run your business, and I don't expect you to tell me how to run mine. The people who elected us have that responsibility.

I don't want a conflict and I have no interest engaging in a power struggle, however, I refuse to allow the Board to disrespect my office and my staff, and, for that matter, the citizens I serve. I truly want to work with all of you and have a healthy relationship.

All the information you've asked for is readily available to you. My office is completely transparent. If you want to know what direction I'm taking the office, all you have to do is ask. Take a look at what I and my staff have done in the past 100 plus days. I truly feel we are off to a remarkable start.

Again, I've met your budget target without argument. I will continue to manage my office as I have the past 100 plus days, conservatively and continually looking for ways to save money and provide better services to all the citizens which my staff and I serve.

My Undersheriff and FAM will be presenting information that is already available to you. They will go into detail regarding our budget and personnel allocations. You all received much of this information on the 5th and you will receive more in depth information today. While I appreciate your concern and inquisitiveness, my staff and I do not have the time to respond to every request of the board for duplicative information which is already available to you. I have an office to run and my staff is extremely busy, with additional responsibilities on their plate due to the reduction in funding. My staff and I have already expended countless hours preparing this presentation.

Your CAO and my FAM will be in contact with each other if you need any further information.

As Ronald Regan so eloquently stated. "There is no limit to what you can accomplish if you don't care who gets the credit." Let's try to work together for the good of El Dorado County.

Thank you.

John D'Agostini
Sheriff of El Dorado County