## RESOLUTION NO. 2016-171

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, APPOINTING JENNIFER ALLISON HALEY AS THE DISTRICT ATTORNEY OF NAPA COUNTY FOR THE REMAINDER OF THE TERM OF GARY LIEBERSTEIN, THE DULY ELECTED DISTRICT ATTORNEY OF NAPA COUNTY

**WHEREAS,** Government Code section 25300 provides that the Board of Supervisors shall provide for the number, compensation, tenure, appointment and conditions of employment of county employees and that such action may be taken by ordinance or resolution; and

 **WHEREAS**, Government Code section 25304 provides that the board of supervisors shall fill by appointment all vacancies that occur in any elective office except for judges of the superior court and county supervisors. The appointee shall hold office for the unexpired term or until the first Monday after January 1st succeeding the next general election; and

**WHEREAS**, the phrase “first Monday after January 1st succeeding the next general election” has been interpreted to mean the next general election for the particular office which is November 6, 2018 and thus the appointment expires on January 5, 2019; and

**WHEREAS**, on October 14, 2016, Gary Lieberstein, the duly elected District Attorney of Napa County, submitted his resignation to the Clerk of the Board of Supervisors as required by Government Code section 1750 with an effective date of December 31, 2016; and

**WHEREAS,** on October 18, 2016, the Board of Supervisors accepted said resignation and made a tentative decision to appoint Jennifer Allison Haley as the District Attorney effective December 31, 2016 to serve the unexpired term, and directed the County Executive Officer to schedule a Board interview with Ms. Haley in open session before making a final decision regarding her appointment; and

**WHEREAS**, on October 25, 2016, the Board of Supervisors interviewed Ms. Haley in open session and directed staff to return with a resolution appointing Ms. Haley as the District Attorney for the term beginning 12:01 am on December 31, 2016 through the remainder of Mr. Lieberstein’s term, which runs until noon on January 5, 2019.

**NOW, THEREFORE, BE IT RESOLVED** that the Napa County Board of Supervisors hereby appoints Jennifer Allison Haley, as District Attorney for Napa County, effective December 31, 2016 for the remainder of the term of office of District Attorney.

**BE IT FURTHER RESOLVED** that if Allison Haley is not elected District Attorney of Napa County for the next term of office and returns to her position as Chief Deputy District Attorney or to another County position, or if she resigns and retires while completing this appointed term of office, any earned, unused sick leave that accumulated prior to her appointment as District Attorney pursuant to this resolution shall be reinstated.

 The foregoing resolution was duly and regularly adopted by the Board of Supervisors of

the County of Napa, State of California, at a regular meeting of said Board held on the 22nd day of November, 2016, by the following vote:

 AYES: SUPERVISORS WAGENKNECHT, CALDWELL, LUCE,

 DILLON and PEDROZA

 NOES: SUPERVISORS NONE

 ABSENT: SUPERVISORS NONE

NAPA COUNTY, a political subdivision of

the State of California

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ALFREDO PEDROZA, Chairman of the

Board of Supervisors

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| APPROVED AS TO FORMOffice of County CounselBy: *S. Darbinian* Deputy County CounselDate: November 16, 2016  | APPROVED BY THE NAPA COUNTYBOARD OF SUPERVISORSDate: November 22, 2016Processed By:  Deputy Clerk of the Board | ATTEST: GLADYS I. COILClerk of the Board of SupervisorsBy: |