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A Commitment to Service

Agenda Date: 11/22/2016

Agenda Placement: 6W

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Alice Hughey for Leanne Link - County Executive Officer
County Executive Office
REPORT BY: Alice Hughey, Assistant County Executive Officer - 253-4153
SUBJECT: Appointment of District Attorney

RECOMMENDATION

County Executive Officer requests adoption of a resolution appointing Allison Haley as District Attorney for a term commencing at 12:01 AM on December 31, 2016 and expiring at noon on January 5, 2019.

EXECUTIVE SUMMARY

On October 14, 2016, District Attorney Gary Lieberstein submitted a letter announcing his retirement with an effective date of December 31, 2016. Mr. Lieberstein recommended that the Board consider Chief Deputy District Attorney Allison Haley to complete the remainder of his unexpired term. On October 25, 2016, the Board interviewed Ms. Haley and directed staff to return with a resolution appointing her as District Attorney for the remainder of Mr. Lieberstein's term.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	District Attorney
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	This position is currently allocated to the department and will be budgeted accordingly in future fiscal years.

Consequences if not approved: Further selection efforts would be required to fill the position.

Additional Information:

ENVIRONMENTAL IMPACT

There is no Environmental Impact for this item.

BACKGROUND AND DISCUSSION

The Board accepted Mr. Lieberstein's retirement letter at its regular meeting on October 18, 2016 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. On October 25, 2016, the Board interviewed Ms. Haley and directed staff to return with a resolution appointing her as District Attorney for the term beginning 12:01 A.M. on December 31, 2016 through the remainder of Mr. Lieberstein's term, which runs until noon on January 5, 2019. The resolution also provides that if Ms. Haley is not elected District Attorney for the next term of office and returns to her position as Chief Deputy District Attorney or 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 shall be reinstated.

Government Code Section 25304 provides that the Board of Supervisors shall fill by appointment all vacancies that occur in any office of an elected county officer, except judge of the superior court and supervisor, for the remainder of the unexpired term, or until the first Monday after January 1st succeeding the next general election. Government Code Sections 24001 and 24002 require that, to be appointed, an individual must be a registered voter of the county in which the duties of the office are to be exercised and that, in the case of the District Attorney, the individual is admitted to practice law in California. Ms. Haley is qualified under both sections.

Ms. Haley was admitted to the California Bar in March 2002, served as a law clerk for the Honorable Robert Alberts of the Central District, and worked for the U.S. Department of Homeland Security in the Los Angeles office. Ms. Haley began her career with Napa County in February 2005. Currently she is responsible for the day-to-day activities of the 21-attorney office. Prior to being appointed Chief Deputy in October 2013, Ms. Haley was a trial attorney in charge of the child-molest unit, in addition to handling the most complex cases in the office.

SUPPORTING DOCUMENTS

A . Resolution Appointing Allison Haley

CEO Recommendation: Approve

Reviewed By: Helene Franchi