



AGENDA SUBMITTAL TO SOLANO COUNTY BOARD OF SUPERVISORS

<u>ITEM TITLE</u>		BOARD MEETING DATE	AGENDA NUMBER
Acknowledge the notice to resign from the office of Solano County District Attorney by District Attorney Donald A. du Bain, effective August 15, 2014 and consider appointing District Attorney – elect Krishna Abrams to fill the unexpired term of the District Attorney		August 12, 2014	
Dept:	County Counsel	Supervisorial District Number	
Contact:	Dennis Bunting	All	
Extension:	6145		
	Published Notice Required?	Yes _____	No X
	Public Hearing Required?	Yes _____	No X

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Board of Supervisors acknowledge the notice to resign from the office of Solano County District Attorney by District Attorney Donald A. du Bain, effective 5 p.m. on August 15, 2014, and consider appointing District Attorney – elect Krishna Abrams to fill the unexpired term of the District Attorney, effective 5:01 p.m. on August 15, 2014.

SUMMARY/DISCUSSION:

On August 7, 2014, the Board received a letter from District Attorney Donald A. du Bain, providing official notice of his resignation from the office of Solano County District Attorney on August 15, 2014, at 5:00 p.m. The current term of the District Attorney continues until January 5, 2015 and the new term begins at 12 o'clock noon on January 5, 2015. (Government Code section 24200.)

On June 3, 2014, Krishna Abrams was elected to the office of Solano County District Attorney and as the District Attorney-elect, she requests that the Board of Supervisors appoint her to fill the unexpired term of the District Attorney, effective 5:01 p.m. on August 15, 2014.

In filling the vacancy of the office of District Attorney, the Government Code provides few options for the Board of Supervisors to consider and no provision exists for a special election to fill the vacated position. Specifically, under Government Code section 24105, when the office of District Attorney is vacant, the duties of District Attorney are “temporarily” discharged by a chief deputy “until the vacancy in the office is filled in the manner provided by law.”

While section 24105 makes a chief deputy the District Attorney when the District Attorney’s office becomes vacant; it merely gives a chief deputy the authority and duty as a chief deputy to perform the duties of the District Attorney while the office remains vacant. Thus, a chief deputy retains his or her position as a chief deputy while performing the duties of District Attorney.

Under Government Code section 25304, the Board of Supervisors may fill the vacancy by an appointment of a new District Attorney, who will hold the office for the balance of the term.

Accordingly, the Board may choose to take no action and a current chief deputy retains his or her position as chief deputy while performing the duties of both the District Attorney and a chief deputy.

Alternatively, the Board could appoint District Attorney-elect Abrams as the as the District Attorney.

The County Administrator and our office recommend that the Board honor the request of District Attorney-elect Abrams and appoint her as the District Attorney, which will allow her to work with a chief deputy to enable an efficient and reasonable transition in the District Attorney's Office.

FINANCING:

The cost of preparing this agenda item is borne by the County Counsel's and the County Administrator's FY2014/15 adopted budgets. The FY2014/15 adopted budget for the District Attorney's Office includes funding for the positions of District Attorney and chief deputies; therefore, there is no additional financial impact to the County General Fund.

OTHER AGENCY INVOLVEMENT:

This agenda item had been prepared in consultation with the County Administrator and District Attorney-elect Abrams.

DEPARTMENT HEAD SIGNATURE:

Dennis Bunting
County Counsel

Attachment: Resignation letter