


Memorandum

For Public Release

Date: November 7, 2023

To: Members of the Trinity County Board of Supervisors
Trent Tuthill, Trinity County Administrative Officer

From: Rubin E. Cruse, Jr., Of Counsel 

Re: Investigation Regarding Complaint Concerning County Supervisor Jill Cox

On June 13, 2023, the County of Trinity (“County”) retained the Oppenheimer Investigations Group LLP (“OIG”) to conduct an impartial attorney investigation of a complaint of harassment against Jill Cox, Chair of the County’s Board of Supervisors. Issues related to that investigation included (1) allegations of a potential Brown Act violation by Supervisor Cox, and (2) the County’s response to a Public Records Act (“PRA”) request dated March 23, 2023 from a person named Colleen Lewis. Jack Morse was the investigating attorney from OIG.

The County of Trinity also retained the Renne Public Law Group as outside legal counsel to separately provide legal advice to the County concerning the investigation.

On September 26, 2023, OIG submitted its investigation report to County Administrative Officer Trent Tuthill and this office. The OIG Investigation Report is considered to be a confidential attorney-client privileged communication, unless that confidentiality is waived by a majority of the Board of Supervisors.

Based on the OIG Investigation Report, the complainant was not subjected to unlawful harassment in violation of the California Fair Employment and Housing Act.

In addition, based on the OIG Investigation Report, Supervisor Cox did not violate the Brown Act in connection with her concerns about the County Counsel’s performance.

In reviewing the OIG Investigation Report, the following additional observations are provided:

1. A County Supervisor, as a local public elected official, “has not only a right but an obligation to discuss issues of vital concern with his [or her] constituents and to

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state his [or her] views on matters of public importance.” *City of Fairfield v. Superior Court*, 14 Cal. 3d 768 (1975).

So long as a County Supervisor (1) does not make unauthorized disclosures of privileged or other confidential information, (2) does not have a conflict of interest established by law, and (3) does not act with actual malice (with knowledge that a statement is false or with reckless disregard of whether it is false or not) or with an otherwise unlawful intent, a County Supervisor may lawfully speak with and receive opinions from any constituent or member of the public on the performance of County Officers, including constituents that may be attorneys.¹

2. The County released documents in response to the Public Records Act Request consistent with the following legal principles:
 - a. The Public Records Act provides, in pertinent part, that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” Government Code § 7921.000.
 - b. The California Constitution also provides that “a statute . . . shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.” Cal. Const. Art. I, § 3(b)(2). As such, exemptions to disclosure under the Public Records Act must be narrowly construed. *Iloh v. Regents of the University of California*, 87 Cal. App. 5th 513 (2023).

R.E.C

¹ Unless the Board of Supervisors has authorized the retention of such an attorney to provide legal services to the County Supervisor on matters pertaining to his or her official duties, as provided by law, any such communications with the attorney are not subject to the attorney-client privilege and are subject to public disclosure as any other communications received by the Board from members of the public may be.