

WHEREAS, no person or public official is above the law, and Mr. Linn's conduct does not comport with the Board's adopted policy on workplace discrimination, harassment, and abusive conduct, nor state and federal laws prohibiting employee discrimination and harassment.

WHEREAS, Mr. Linn's conduct is unbecoming of an elected District Attorney and has tarnished the reputation of the Madera County District Attorney's Office.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of Madera County, a political subdivision of the State of California, does hereby censure District Attorney David A. Linn for his repeated actions contrary to the County's policies, and state and federal laws, prohibiting workplace harassment, discrimination and abuse.

BE IT FURTHER RESOLVED, the Board of Supervisors of Madera County demands that Mr. Linn immediately cease all abusive, harassing or discriminatory actions toward his staff or any other County employees.

BE IT FURTHER RESOLVED, as Mr. Linn has abused the staff of the District Attorney's Office, of whom he was entrusted to lead, and tarnished the reputation of that Office, the Board of Supervisors calls on him to acknowledge his past behavior and resign immediately.

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The foregoing Resolution was adopted this _____ day of _____, 2017,

by the following vote:

Supervisor Frazier voted: _____

Supervisor Rogers voted: _____

Supervisor Poythress voted: _____

Supervisor Rodriguez voted: _____

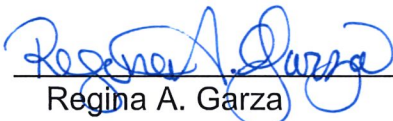
Supervisor Wheeler voted: _____

Chairman, Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By: 

Regina A. Garza

EXHIBIT A

November 20, 2017

VIA PERSONAL DELIVERY

Adrienne Calip
Deputy County Administrative Officer
Human Resources/Operations Director
200 W. Fourth Street
Madera, CA 93637

**Re: *Summary of Investigative Findings into Allegations of Discrimination,
Harassment, and Discourteous Conduct at the County District Attorney's Office***

Dear Ms. Calip:

As you know, the County of Madera ("County") recently undertook an investigation into allegations raised by Senior Deputy District Attorney John Baker regarding inappropriate workplace conduct at the County District Attorney's Office, including specific allegations against District Attorney ("DA") David Linn. I was retained by the County as a neutral, independent investigator to conduct an investigation into Baker's allegations. I have completed my investigation. Pursuant to your request, below are a summary of my investigative findings regarding allegations against DA Linn:

1. DA Linn made repeated sexist or sexually explicit comments to and about employees and female crime victims: **SUSTAINED**;
2. DA Linn made repeated racist or racially insensitive comments in the workplace: **SUSTAINED**; and
3. DA Linn engaged in abusive or threatening conduct in the workplace: **SUSTAINED**.

The County's Anti-Harassment and Discrimination Policy does not provide for production of the investigation report to employees and it should not be produced. The investigation report in this matter should be considered a confidential attorney-client communication and attorney work product.

Re: *Summary of Investigative Findings into Allegations of Discrimination, Harassment, and Discourteous Conduct at the County District Attorney's*

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Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

LIEBERT CASSIDY WHITMORE

A handwritten signature in black ink, appearing to read 'K. A. Horiuchi', written over the typed name.

Kimberly A. Horiuchi

KAH:slp