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April 13, 2026

To: Minh Tran via email  
Riverside County Counsel  
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For Attention of the Riverside County Board of Supervisors:

The undersigned represents Clarissa Cervantes, Oscar Ortiz, Rebecca Robinson, and Nathan Kempe, who are individual Riverside County registered voters.

It has come to our attention that the agenda for the next meeting of the Riverside County Board of Supervisors meeting includes an item to discuss pending litigation against the Riverside County Sheriff (Agenda Items 30310-30315), including the matter filed by our clients. The agenda item is insufficiently specific to give notice to the public of precisely what will be discussed.

Should the Riverside County Board of Supervisors be asked to pay for the attorney fees and litigation expenses to defend the various cases challenging Sheriff Bianco's recent election related conduct, the Board of Supervisors should vote no.

Sheriff Bianco ("the Sheriff") retained outside, personal counsel for his recent seizure of election materials. In order for Sheriff Bianco to have his personal counsel cost reimbursed by the County, he was required to make a request for a defense prior to the county incurring the expenses. Although counties sometimes have a duty to defend or provide for the defense of "any civil action or proceeding" brought against an employee, "they may do so only *upon the request of the employee*. (Gov. Code § 995.1 [emphasis added].)

The failure to make a prior request is no small matter. For one, Riverside County was deprived of the opportunity to weigh in on the Sheriff's challenged conduct which the county had the authority to resolve, regardless of Sheriff's views. (*See DeGrassi v. City of Glendora* (2000), 207 F. 3d 636, 643.) Also, the county could have chosen to defend through its county counsel or through other arranged outside counsel. A county officer, such as the sheriff, may not ignore county counsel, hire his own outside counsel, proceed however he wants without approval of the Board of Supervisors and then later seek reimbursement when his activities are challenged in court. (*Id.*)

The Board of Supervisors should also reject reimbursement, if requested, because it has no duty to defend when a county employee's actions are outside the scope of employment; the employee's actions arise out of actual fraud, corruption, or actual malice; or when the entity brings the action or proceeding against the employee. (Gov. Code § 995.2, subd. (a)(1)-(3).) Here, the Sheriff acted without the consent of county government, in a manner the state's attorney general and private parties challenged in court. The actions the sheriff took have now been stayed by the California Supreme Court. The County and corresponding taxpayers are not on the hook for this course of conduct.

Furthermore, the County has no duty to pay outside counsel costs for an attorney the county had no role in locating and negotiating the costs of defense. "The public entity's right to refuse to provide any defense at all necessarily includes the right to refuse to provide a separate defense." (*City of Huntington Beach v. Petersen L. Firm* (2002) 95 Cal.App.4th 562, 567.) In *City of Huntington Beach*, the city offered to defend police officers with its counsel in a lawsuit that named the officers and the city as defendants. (*Id.* at 567.) The officers declined and hired separate representation and then demanded that the city pay for the defense. (*Id.* at 565-571.) The court rejected that the officers were entitled to separate representation at the city's expense because there is no "judicially declared right to independent counsel...." (*Id.* at 568.)

Elected sheriffs and other public officials have no special right to their own personal counsel paid for from the county fisc. Even if the Sheriff sought defense from Riverside County from the start, there was a process the sheriff was obligated to follow if he wished to proceed with counsel he selected. Under Government Code § 31000.6, a sheriff can "*request*" that the board of supervisors' contract or employ legal counsel to assist in the performance of their duties in instances in which county counsel would have a conflict of interest. (Gov. Code §31000.6, subd. (a) [emphasis added].) If the board of supervisors refuses, the sheriff must give notice to the county counsel and initiate proceedings in the superior court. (*Id.*, subd. (b).) Nowhere in the language of this provision does it permit a sheriff to contract with their own legal counsel and then seek public funds, after he has lost in court, to pay for his unsuccessful defense. Importantly, even when a superior court orders outside counsel under § 31000.6, the county retains the discretion to contract for those legal services and determine the compensation rate. (*See County of Los Angeles v. Quinn Emanuel Urquhart & Sullivan, LLP.* (2005) 115 Cal.App.5th 489, 504-507.)

For the foregoing reasons, the Riverside County Board of Supervisors, if asked to so, should reject a request to reimburse attorney fees and costs by Sheriff Bianco.

Respectfully submitted,

/s/ Sonni Waknin  
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