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SCANNED

FILED
SAN MATEO COUNTY

FEB 26 2025

Clerk of the Superior Court
By *[Signature]*
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

SHERIFF CHRISTINA CORPUS, an individual,

Petitioner,

vs.

COUNTY OF SAN MATEO BOARD OF SUPERVISORS; MARK CHURCH, in his official capacity as CHIEF ELECTIONS OFFICER & ASSESSOR; and DOES 1-10,

Respondents.

Case No.: 25-CIV-00244

Assigned for all purposes to the Hon. Nicole S. Healy, Department 28

ORDER DENYING PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE RELIEF

(Code Civ. Proc., §§ 1068, 1085, 1086, 1094.5)

Hearing date: February 26, 2025
Action filed: January 10, 2025

1 On January 10, 2025, Sheriff Christina Corpus (petitioner or Sheriff Corpus) filed a
2 petition for a writ of mandate pursuant to Code of Civil Procedure, sections 1068, 1085, 1086,
3 and 1094.5, and complaint for injunctive relief. Petitioner seeks an order directing
4 respondents San Mateo County Board of Supervisors (Board) and Mark Church (Church), in
5 his capacity as chief elections officer & assessor-county clerk-recorder for San Mateo County,
6 to cancel a special election set for March 4, 2025, at which the voters of San Mateo County
7 will be asked to decide whether to adopt Measure A. If passed, Measure A would amend the
8 San Mateo County Charter to add a provision permitting the Board, through December 31,
9 2028, to “remove a Sheriff from office for cause, by a four-fifths vote, after a Sheriff has
10 been: (1) served with a written statement of alleged grounds for removal; and (2) provided a
11 reasonable opportunity to be heard regarding any explanation or defense.”

12 The issue presently before the court is a narrow one. The court is not addressing the
13 methodology, substance, merits, or findings of the report submitted by Judge LaDoris Cordell
14 (ret.) to the Board, nor is the court making any findings or determinations regarding the
15 allegations addressed therein. Rather, this ruling is directed only to the question of whether
16 the special election called for March 4, 2025 should proceed as scheduled. For the reasons set
17 forth below, the Court denies the petition for writ of mandate and dismisses the complaint for
18 injunctive relief.

19 **A. BACKGROUND**

20 On July 10, 2024, pursuant to San Mateo County Ordinance 21.4, San Mateo County
21 Counsel John Nibbelin retained Judge Cordell (ret.) to investigate allegations concerning
22 Victor Aenlle, a civilian member of the elected Sheriff of San Mateo County, Christina
23 Corpus’s, executive team.¹ In a lengthy written report, Judge Cordell found that certain

24
25 ¹ Judge Cordell (ret.) described her assignment as follows:

26 On July 10, 2024, John Nibbelin, the County Counsel of San Mateo County,
27 retained Judge LaDoris H. Cordell (Ret.) to conduct an independent fact-finding
28 investigation into complaints and concerns that current and former members of the
Sheriff’s Office have about Victor Aenlle, who serves on the Executive Team of

1 allegations were “sustained,” and that others were “not sustained” or were “unfounded.” (See
2 Declaration of Miguel Mendez-Pintado iso Petitioner’s Memorandum of Points and
3 Authorities [Pet. MPA], filed Jan. 10, 2025 [Mendez-Pintado Decl.], exh. A [Report of
4 Independent Investigation of Judge LaDoris H. Cordell (ret.) (Cordell Report)]; see also
5 Declaration of Christopher Ulrich [Ulrich Decl.], iso Petitioner’s Brief iso Writ of Mandamus
6 and Injunctive Relief [Pet. Brf.] filed Feb. 7, 2025, exh. 4 [Board Statement, Nov. 13, 2024].)

7 Thereafter, the Board adopted a resolution and a proposed amendment to the San
8 Mateo County Charter, designated as Measure A, to be placed before the voters of San Mateo
9 County at a special election set for March 4, 2025. If adopted, Measure A would grant the
10 five-member Board the power to terminate an elected sheriff for cause by a vote of four of the
11 five members, which authority would expire by its own terms on December 31, 2028.

12 Petitioner contends that before the December 3, 2024 meeting at which the Board
13 adopted the Resolution, Supervisors Noelia Corzo and Ray Mueller publicly called on Sheriff
14 Corpus to resign her position. (See Mendez-Pintado Decl., exh. E [KQED news article, Nov.
15 21, 2024]; Ulrich Decl., exhs. 3, 4, 6, and 6A [Board Statements, Nov. 12, 2024 and Nov. 13,
16 2024, video and transcript of Board meeting, Nov. 19, 2024].)²

17 On December 3, 2024, the Board adopted Resolution No. 080768:
18 calling and providing for a special election to be held on March 4, 2025
19 throughout the County of San Mateo for the purpose of voting upon an
20 amendment to the San Mateo County Charter granting the Board of Supervisors
21 the authority until December 31, 2028 to remove an elected sheriff for cause, by a
22 four-fifths vote of the Board of Supervisors, after written notice and an
23 opportunity to be heard, proclaiming said special local countywide election

24 Sheriff Christina Corpus. Over the course of the investigation, additional matters
25 regarding the Sheriff’s Office were identified and added to the scope of the
26 investigation.

27 (Cordell Report, at p. 1.)

28 ² The Board objected to Petitioner’s exhibits 6, 6A, 7, and 7A (videos and transcripts of
the Board’s meetings on November 19, 2024 and December 3, 2024) on the grounds that Mr.
Ulrich has not authenticated the videos and transcripts, and the transcripts contain errors. (See
Board’s Objections to Exhibits 6, 6A, 7, and 7A of Petitioner’s Compendium of Evidence.) In
reply, Petitioner’s counsel authenticated the videos and stated that accurate transcriptions are
forthcoming. (See Feb. 2, 2025 Supp. Ulrich Decl., ¶¶ 2-7.)

1 pursuant to Elections Code section 12001, requesting that the election be
2 consolidated with any and all other elections to be held on March 4, 2025, and
3 requesting services of the County's chief elections officer.

4 (Declaration of Assistant Chief Elections Officer Jim Irizarry [Irizarry Decl.], filed Jan. 23,
5 2025, exh. B, at p. 17.)

6 The ballot question for the proposed charter amendment reads:

7 Shall the measure amending the San Mateo County Charter to grant the Board of
8 Supervisors authority until December 31, 2028 to remove an elected Sheriff from
9 office for cause, including for violation of law related to a Sheriff's duties, flagrant
10 or repeated neglect of duties, misappropriation of public funds, willful falsification
11 of documents, or obstructing an investigation, by a four-fifths vote of the Board of
12 Supervisors, after written notice and an opportunity to be heard, be adopted?

13 [Ulrich Decl., exh. 8.]

14 If approved by at least 51% of voters, Measure A would add Section 412.5 to Article
15 IV of the San Mateo County Charter, as follows:

16 ***412.5. Removal of Elected Sheriff for Cause***

- 17 a. The Board of Supervisors may remove a Sheriff from office for cause, by a
18 four-fifths vote, after a Sheriff has been:
- 19 (1) Served with a written statement of alleged grounds for removal; and
 - 20 (2) Provided a reasonable opportunity to be heard regarding any
21 explanation or defense.
- 22 b. For the purposes of this Section 412.5, "cause" shall mean any of the
23 following:
- 24 (1) Violation of any law related to the performance of a Sheriff's duties;
25 or
 - 26 (2) Flagrant or repeated neglect of a Sheriff's duties as defined by law;
27 or
 - 28 (3) Misappropriation of public funds or property as defined in California
law; or
 - (4) Willful falsification of a relevant official statement or document; or
 - (5) Obstruction, as defined in federal, State, or local law applicable to a
Sheriff, of any investigation into the conduct of a Sheriff and/or the
San Mateo County Sheriff's Department by any government agency
(including the County of San Mateo), office, or commission with
jurisdiction to conduct such investigation.

- 1 c. The Board of Supervisors may provide for procedures by which a removal
proceeding pursuant to this Section 412.5 shall be conducted.
- 2 d. This Section 412.5 shall not be applied to interfere with the independent
3 and constitutionally and statutorily designated investigative function of a
Sheriff.
- 4 e. This Section 412.5 shall sunset and be of no further force and effect as of
5 December 31, 2028 unless extended by voters of San Mateo County.

6 [Ulrich Decl., exh. 8.]

7 On January 10, 2025, Sheriff Corpus filed this petition for a writ of mandate and
8 complaint for injunctive relief. Petitioner contends that the Board did not comply with
9 applicable legal authority in calling a special election to amend the San Mateo County
10 Charter. She further contends that two of the five Board members expressed bias against her
11 before the December 3, 2024 hearing at which the Board adopted the Resolution and that the
12 Resolution is void and the election cannot proceed. Petitioner asks this court to issue a writ of
13 mandate and to “order Respondents San Mateo County and Board of Supervisors to cancel the
14 election on Measure A” and further to “order Respondent Mark Church to cancel the election,
15 refuse to open the polls, refuse to count any ballots, and refuse to certify any results.”
16 (Petition and Complaint, ¶¶ 25-26.) Petitioner also seeks an injunction restraining and
17 enjoining respondents’ allegedly unlawful actions. (*Id.*, ¶ 30; and Prayer for Relief, ¶ 2.)

18 **B. STANDARD OF REVIEW**

19 Petitioner seeks a writ of mandate under Code of Civil Procedure, sections 1068, 1084,
20 1085, and 1094.5.³ (Petition, ¶ 23.) Petitioner also seeks injunctive relief. However,

21
22 ³ Code of Civil Procedure, section 1068, subdivision (a) provides that a “writ of review
23 may be granted by any court when an inferior tribunal, board, or officer, exercising judicial
24 functions, has exceeded the jurisdiction of such tribunal, board, or officer, and there is no
25 appeal, nor, in the judgment of the court, any plain, speedy, and adequate remedy.” “Under
26 section 1068, Code of Civil Procedure, the inferior tribunal, board, or officer must exercise a
27 judicial function in the matter sought to be reviewed, and must have exceeded its or his
28 jurisdiction in such matter. Also, there must be no appeal from the action complained of, nor,
in the judgment of the court, any plain, speedy, and adequate remedy.” (*Dept. of Public
Works v. Superior Court* (1925) 197 Cal. 215, 220; *Board of Supervisors v. Superior Court*
(1957) 150 Cal.App.2d 618, 620 [“By the provisions of section 1068 of the Code of Civil
Procedure, certiorari is available only to review the proceedings of an inferior judicial tribunal
or board exercising judicial functions upon the grounds that it has exceeded its jurisdiction

1 “[m]andamus, rather than mandatory injunction, is the traditional remedy for the failure of a
2 public official to perform a legal duty.” (*Common Cause v. Board of Supervisors* (1989) 49
3 Cal.3d 432, 442.)

4 “Judicial review of most public agency decisions is obtained by a proceeding for a writ
5 of ordinary or administrative mandate.” (*McGill v. Regents of University of California* (1996)
6 44 Cal.App.4th 1776, 1785, citing Code Civ. Proc., §§ 1085, 1094.5.) “The applicable type of
7 mandate is determined by the nature of the administrative action or decision.” (*Ibid.*)
8 “Usually, quasi-legislative acts are reviewed by ordinary mandate [under section 1085] and
9 quasi-judicial acts are reviewed by administrative mandate [under section 1094.5].” (*Ibid.*,
10 citing *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 566–567; see
11 also *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216, 278–279.)

12 Section 1085, subdivision (a) provides that a “writ of mandate may be issued by any
13 court to any inferior tribunal, corporation, board, or person, to compel the performance of an
14 act which the law specially enjoins, as a duty resulting from an office, trust, or station, . . .”
15 Under Section 1085, “[a]n essential element of a cause of action for mandamus is the
16 existence of a clear, present and usually ministerial duty upon the part of the respondent.
17 [Citations.] A ministerial duty is an act that a public officer is obligated to perform in a
18 prescribed manner required by law when a given state of facts exists.” (*Schmid v. City and*
19 *County of San Francisco* (2021) 60 Cal.App.5th 470, 495 (*Schmid*), quoting *Jones v.*
20 *Omnitrans* (2004) 125 Cal.App.4th 273, 278 [citation omitted in original].) The “judicial
21 inquiry in an ordinary mandamus proceeding addresses whether the public entity’s action was
22 arbitrary, capricious or entirely without evidentiary support, and whether it failed to conform
23 to procedures required by law.” (*California Public Records Research, Inc. v. County of*
24 *Stanislaus* (2016) 246 Cal.App.4th 1432, 1443.)

25
26 and there is no appeal or any plain, speedy and adequate remedy.”].) As discussed herein, the
27 Board was acting quasi-legislatively when it adopted the Resolution. Accordingly, it is not
28 applicable here.

1 “Code of Civil Procedure section 1094.5, the state’s administrative mandamus
2 provision, provides the procedure for judicial review of adjudicatory decisions rendered by
3 administrative agencies.” (*Young v. City of Coronado* (2017) 10 Cal.App.5th 408, 418
4 (*Young*); *Schmid, supra*, 60 Cal.App.5th at p. 483.) “The scope of the trial court’s review of
5 administrative decisionmaking under this standard depends on whether the decision under
6 review substantially affects a fundamental vested right.” (*Schmid, supra*, 60 Cal.App.5th at p.
7 484; see also *Young, supra*, 10 Cal.App.5th at p. 418.) “[T]he petitioner in an administrative
8 mandamus proceeding has the burden of proving that the agency’s decision was invalid and
9 should be set aside, because it is presumed that the agency regularly performed its official
10 duty.” (*Young, supra*, 10 Cal.App.5th., at p. 419, quoting *Desmond v. County of Contra*
11 *Costa* (1993) 21 Cal.App.4th 330, 335-336.)

12 The Board argues that none of the above mandamus statutes apply to this proceeding,
13 but that Petitioner could only seek relief under Elections Code, section 13314. (Respondent
14 Board’s Opposition to Petition for Writ of Mandate and Complaint for Injunctive Relief [Bd.
15 Opp.], at pp. 10-11.) Section 13314, subdivision (a)(1) provides that “[a]n elector may seek a
16 writ of mandate alleging that an error or omission has occurred, or is about to occur, in the
17 placing of a name on, or in the printing of, a ballot, county voter information guide, state voter
18 information guide, or other official matter, or that any neglect of duty has occurred, or is
19 about to occur.” Further, “[a] peremptory writ of mandate shall issue only upon proof of both
20 of the following: (A) That the error, omission, or neglect is in violation of this code or the
21 Constitution. (B) That issuance of the writ will not substantially interfere with the conduct of
22 the election.” (*Id.*, subdivision (a)(2).)

23 The Board argues that Elections Code, section 13314 is a more specific statute than
24 Code of Civil Procedure, sections 1085 and 1094.5, and is therefore controlling. (Bd. Opp., at
25 p. 11, citing *Songstad v. Superior Court* (2001) 93 Cal.App.4th 1202, 1209 (*Songstad*)
26 [Elections Code, section 9106 “covers standing to file a prequalification challenge with
27 specificity and therefore controls over the more generalized mandamus statute.” (*i.e.*, Code
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1 Civ. Proc., § 1084)]; *Denny v. Arntz* (2020) 5 Cal.App.5th 914, 922 [affirming demurrer
2 where plaintiff filed post-election challenge to proposition, rather than pre-election challenge
3 under Elections Code, section 13314].) Section 13314 is addressed to errors or “neglect of
4 duty” in connection with the preparation of voting materials where such error or neglect
5 violates the Constitution or the Elections Code. Here, Petitioner contends that the Board
6 lacked statutory authority to present Measure A to the voters in a special election, and that the
7 Resolution was tainted by bias and cannot proceed. Those actions do not appear to fall within
8 Section 13314, and the Board has not directed the court to any cases on point.

9 **C. THE COURT WILL NOT DISMISS THE PETITION ON LACHES**
10 **GROUNDS**

11 The Board contends that the writ petition was brought too late and is barred by laches.
12 (Bd. Opp., at pp. 12-13.) The Board argues that where it proposed Measure A on November
13 19, 2024 and adopted the resolution at its December 3, 2024 meeting, but Sheriff Corpus did
14 not file her petition until January 10, 2025, the delay was excessive given that the election
15 process was already underway. Indeed, the County had already undertaken significant effort
16 to gear up for a special election; ballots had been printed and sent to voters and the County
17 had already begun receiving overseas and military voters’ ballots as of January 23, 2025.
18 (See Irizarry Decl. ¶¶ 12-17.) Sheriff Corpus responds that she was only able to secure an
19 agreement from the Board for funding to retain her own counsel on December 13, 2024.
20 (Supp. Ulrich Decl., ¶¶ 8-12.) Moreover, she notes that the Board controlled the timing of the
21 Cordell investigation and the Resolution placing Measure A on the ballot. (See Pet. Reply at
22 pp. 5-6.)

23 The court is mindful of *Boyer v. County of Ventura* (2019) 33 Cal.App.5th 49, 58-59
24 (*Boyer*), which held that, among other things, a delay of approximately one month in filing a
25 writ petition supported its denial. (See Bd. Opp., at p. 13.) However, laches alone did not
26 defeat the writ in that case. In *Boyer*, the court of appeal affirmed a judgment denying a
27 mandamus petition where an unqualified candidate who unsuccessfully challenged the
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1 requirements for serving as sheriff filed his writ petition weeks after the county clerk rejected
2 his application. The would-be candidate “issued press releases and appeared at city council
3 meetings and before the Ventura County Board of Supervisors, threatening to sue” the county
4 clerk over the next few weeks, and the trial court found that his delay in filing and prosecuting
5 the writ petition prejudiced the county clerk and “other candidates running for public office
6 (federal, state and local) on the primary ballot, and the voters at large.” (*Boyer, supra*, 33
7 Cal.App.5th at pp. 58-59.)

8 Unlike *Boyer*, here there is one issue on the ballot and the County has already incurred
9 much of the expense of the special election. Moreover, Petitioner is correct that the timing of
10 events was driven by the Board. And, given the importance of this matter to Sheriff Corpus,
11 the Board, and the people of San Mateo County, the court will not dismiss her petition on the
12 basis of laches.

13 D. DISCUSSION

14 1. The San Mateo County Board of Supervisors Does Not Presently Have 15 the Authority to Remove an Elected Sheriff

16 The California Constitution grants charter counties a degree of “home rule.” (Cal.
17 Const., art. XI, § 4; *Younger v. Board of Supervisors* (1979) 93 Cal.App.3d 864, 869
18 (*Younger*.) San Mateo County adopted its charter in 1933. (*Handler v. Board of Supervisors*
19 (1952) 39 Cal.2d 282, 284, citing Cal. Const. Art XI, § 7½ [now, § 4], and Stats 1933, p.
20 2953; *Coalition of County Unions v. Los Angeles County Bd. of Supervisors* (2023) 93
21 Cal.App.5th 1367, 1385 [former section 7½ is now section 4].) “The provisions of a charter
22 are the law of the state and have the force and effect of legislative enactments.” (*Dibb v.*
23 *County of San Diego* (1994) 8 Cal.4th 1200, 1206 (*Dibb*), quoting Cal. Const., art. XI, § 3,
24 subd. (a).)

25 County charters may be amended, and a county board of supervisors may propose a
26 charter amendment. (See Cal. Const., art. XI, § 3, subd. (a) [“For its own government, a
27 county or city may adopt a charter by majority vote of its electors voting on the question. . . .
28

1 A charter may be amended, revised, or repealed in the same manner.”]; and (b) [“The
2 governing body or charter commission of a county or city may propose a charter or revision.
3 Amendment or repeal may be proposed by initiative or by the governing body.”].)

4 Charter counties are required to maintain a “governing body of 5 or more members”
5 and “an elected sheriff.” ((*Dibb, supra*, 8 Cal.4th at p. 1206, quoting Cal. Const., art. XI, § 4
6 [San Diego County had the authority to form a citizens’ review board to review public
7 complaints about the sheriff’s office and probation department]; see also San Mateo County
8 Charter, Art. II, § 201 [the county’s governing body is the board of supervisors].)

9 The Attorney General has direct supervisory authority over sheriffs. (*Dibb, supra*, at p.
10 1209, quoting Cal. Const. art. V, § 13.) In addition, the board of supervisors is required to
11 “supervise the official conduct of all county officers, . . . particularly insofar as the functions
12 and duties of such county officers . . . relate to the assessing, collecting, safekeeping,
13 management, or disbursement of public funds.” (Gov. Code, § 25303, subd. (a).) Such
14 statutory authority is not limited to fiscal matters, but is more generally directed to ensuring
15 that county officers “faithfully perform their duties.” (*Dibb, supra*, 8 Cal.4th at p. 1209,
16 quoting *People v. Langdon* (1976) 54 Cal.App.3d 384, 390, and noting that the statement was
17 made in a different context.) “Indeed, the operations of the sheriff’s and probation
18 departments and the conduct of employees of those departments are a legitimate concern of
19 the board of supervisors.” (*Ibid.*)

20 At least one county has adopted an ordinance providing for the removal of the sheriff
21 for cause by a four-fifths vote of the members of the board of supervisors. (*Penrod v. County*
22 *of San Bernardino* (2005) 126 Cal.App.4th 185 (*Penrod*) [affirming summary judgment for
23 the county].) In *Penrod*, the sheriff challenged the ordinance, contending that it was facially
24 unconstitutional. (*Id.*, at p. 188.) He argued that an elected sheriff may only be removed by
25 “two methods: recall (Const., art. II, §§ 13-19; Elec. Code, §§ 11000, et seq.) or grand jury
26 accusation and trial. (Gov. Code, §§ 3060, et seq.)” (*Id.*, at p. 189.) Rejecting his argument,
27 the court of appeal noted that the California Constitution not only requires that a county
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1 charter provide for an elected sheriff, it also “requires the charter to provide for the
2 ‘compensation, terms and removal’ of the sheriff.” (*Id.*, at p. 190, quoting Cal. Const., art XI,
3 § 4.) At present, the San Mateo County Charter does not provide the Board with the authority
4 to remove an elected sheriff from office.

5 **2. Sections 1415 and 9255 of the Elections Code Do Not Govern Elections**
6 **to Amend a County Charter**

7 Petitioner argues that the Board improperly set the election on the proposed charter
8 amendment for March 4, 2025, rather than for the November 2026 general election.
9 Petitioner contends that, *inter alia*, Elections Code, sections 1415 and 9255 require a vote on a
10 proposed county charter amendment to be held at a general rather than a special election.
11 (See Pet. Brf., at pp. 14-22.) By their express terms, however, those statutes apply only to
12 elections conducted by cities and a city and county (*i.e.*, San Francisco), not to county
13 elections. (See Pet. Brf., at p. 15; Elec. Code, §§ 1415, 9255; *Jeffrey v. Superior Court* (2002)
14 102 Cal.App.4th 1, 4, and fn. 4 [discussing Elections Code, sections 1415 and 9255 and
15 municipal elections].)

16 Section 1415, subdivisions (a)(1) provides that, “[e]xcept as provided in paragraph
17 (2),⁴ a *city or city and county charter proposal* proposed by the governing body of a city or
18 city and county on its own motion that qualifies pursuant to Section 9255 shall be submitted
19

20 ⁴ Paragraph 2 is not relevant to this matter and provides that:

21 The governing body of a city or city and county may direct that either of the
22 following be submitted to the voters at the next regularly scheduled general municipal
23 primary election pursuant to Section 1301, or at any established statewide general or statewide
24 primary election pursuant to Section 1200 or 1201, occurring not less than 88 days
25 after the date of the order of election:

26 (A) A charter proposal that proposes to amend a charter in a manner that
27 does not alter any procedural or substantive protection, right, benefit, or
28 employment status of any local government employee or retiree or of any local
government employee organization.

(B) A charter proposal that proposes to amend a charter solely to comply
with a court injunction or consent decree or with federal or state voting rights
laws.

1 to the voters at the next established statewide general election pursuant to Section 1200
2 occurring not less than 88 days after the date of the order of election.” (Elec. Code, § 1415,
3 subd. (a)(1) [emphasis added].) Section 9255, subdivision (b)(1) provides that “[e]xcept as
4 provided in paragraph (2) of subdivision (a) of Section 1415, the following *city or city and*
5 *county charter proposals* shall be submitted to the voters at an established statewide general
6 election pursuant to Section 1200, provided there are at least 88 days before the election: (1)
7 A proposal to adopt a charter, or an amendment or repeal of a charter, proposed by the
8 governing body of a *city or a city and county* on its own motion.” (Elec. Code, § 9255, subd.
9 (b)(1) [emphasis added].)

10 Petitioner would have the court read into Elections Code, sections 1415 and 9255 the
11 term “county charter” which is not found there. “When construing a statute, we must
12 ‘ascertain the intent of the Legislature so as to effectuate the purpose of the law.’” (*Wilcox v.*
13 *Birtwhistle* (1999) 21 Cal.4th 973, 977 (*Wilcox*), quoting *DuBois v. Workers’ Comp. Appeals*
14 *Bd.* (1993) 5 Cal.4th 382, 387.) “The words of the statute are the starting point.” (*Ibid.*)
15 “‘Words used in a statute . . . should be given the meaning they bear in ordinary use.
16 [Citations.] If the language is clear and unambiguous there is no need for construction, nor is
17 it necessary to resort to indicia of the intent of the Legislature . . .’” (*Ibid.*, quoting *Lungren v.*
18 *Deukmejian* (1988) 45 Cal.3d 727, 735 [citation omitted in original].)

19 “‘Respect for the political branches of our government requires us to interpret the laws
20 in accordance with the expressed intention of the Legislature, and we have ‘no power to
21 rewrite the statute . . . to make it conform to a presumed intention [that] is not expressed.’
22 [Citation.]” (*Faulder v. Mendocino County Board of Supervisors* (2006) 144 Cal.App.4th
23 1362, 1379, quoting *Songstad, supra*, 93 Cal.App.4th at p. 1208.) Further, as our Supreme
24 Court has cautioned, courts must be “mindful” of their “limited role in the process of
25 interpreting enactments from the political branches of our state government. In interpreting
26 statutes, we follow the Legislature’s intent, as exhibited by the plain meaning of the actual
27 words of the law, ‘whatever may be thought of the wisdom, expediency, or policy of the act.’”
28

1 (*California Teachers Assn. v. Governing Bd. of Rialto Unified School Dist.* (1997) 14 Cal.4th
2 627, 632-633 [cleaned up, citations omitted].) Accordingly, “[o]ur first step [in determining
3 the Legislature’s intent] is to scrutinize the actual words of the statute, giving them a plain and
4 commonsense meaning.” (*Ibid.* [citations omitted].)

5 The language of the two statutes is clear, and this court cannot go outside the well-
6 established bounds of statutory construction to read additional terms into the statutes which
7 the Legislature did not place there. That the Legislature passed Assembly Bill 1344 in 2011,
8 amending Section 9255, and then passed Senate Bill 311 in 2013, again amending Section
9 9255 and also Section 1415 (see Pet. Brf., at pp. 17-19), and yet neither statute refers to
10 “county charters” but only to “city or city and county charters” strongly indicates that the
11 Legislature did not intend to amend these statutes *sub rosa* to apply them to charter counties.

12 Petitioner further argues that Elections Code, sections 1415 and 9255 conflict with
13 Government Code, section 23722, which provides in pertinent part that “. . . upon its own
14 submission of a proposal to amend or repeal the charter, the governing body shall submit the
15 amendment or amendments proposed . . . to the eligible registered voters of the county at a
16 special election held on the next established election date not less than 88 days after the . . .
17 submission of the proposal.” That section expressly applies to county charters. March 4,
18 2025 (the “first Tuesday after the first Monday in March of each odd-numbered year”) is the
19 “next established election date.” (Elec. Code, § 1000, subd. (b).) Finally, that fewer voters
20 may participate in special elections is not grounds for canceling the March 4, 2025 election
21 (see Pet. Brf., at p. 20) where Government Code, section 23722 provides for county charter
22 amendments to be considered at a special election.

23 **1. The Court Cannot Inquire into the Board’s Motivation with Respect to**
24 **Quasi-Legislative Actions, and the Resolution Setting the Election to**
25 **Place Measure A Before the Voters Was a Quasi-Legislative Act**

26 Members of a county’s board of supervisors exercise “quasi-legislative, quasi-executive,
27 and quasi-judicial powers.” (*Steiner v. Superior Court* (1996) 50 Cal.App.4th 1771, fn. 18
28 (*Steiner*)). “Quasi-legislative acts involve the adoption of rules of general application on the

1 basis of broad public policy, while quasi-judicial acts involve the determination and application
2 of facts peculiar to an individual case.” (*Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th
3 470, 482 (*Nasha*), quoting *Beck Development Co. v. Southern Pacific Transportation Co.* (1996)
4 44 Cal.App.4th 1160, 1188 (*Beck*)). “Judicial review of a legislative act under Code of Civil
5 Procedure section 1085 is limited to determining whether the public agency’s action was
6 arbitrary, capricious, entirely without evidentiary support, or procedurally unfair.” (*San*
7 *Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498, 509
8 [quoting *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126 Cal.App.4th
9 1180, 1195].)

10 When a local or county governing body acts quasi-adjudicatively and “concrete facts”
11 demonstrate that members have expressed bias for or against a proposal, the board violates its
12 duty to hold a fair hearing. (See *Petrovich Development Co. v. City of Sacramento* (2020) 48
13 Cal.App.5th 963, 975-975; *Woody’s Group, Inc. v. City of Newport Beach* (2015) 233
14 Cal.App.4th 1012, 1022; *BreakZone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205,
15 1236-1237.) By contrast, “the rules against prejudgment of adjudicatory facts do not apply to
16 quasi-legislative decisions.” (*Beverly Hills Unified School Dist. v. Los Angeles County Metro*
17 *Transportation Auth.* (2015) 241 Cal.App.4th 627, 671 (*Beverly Hills*)).

18 Under the “separation of powers doctrine” the “courts cannot inquire into the impetus or
19 motive behind legislative action.” (*Steiner*, 50 Cal.App.4th at p. 1785.) It has long been a
20 “fundamental, historically enshrined legal principle that precludes any judicially authorized
21 inquiry into the subjective motives or mental processes of legislators.” (*County of Los Angeles*
22 *v. Superior Court* (1975) 13 Cal.3d 721, 726.) The “doctrine which precludes judicial delving
23 into the subjective mental processes of individual legislators is a corollary of the related legal
24 principle which establishes that the validity of a legislative act does not depend on the subjective
25 motivation of its draftsmen but rests instead on the objective effect of the legislative terms.”
26 (*Id.*, at p. 727; see also *Sutter’s Place Inc. v. Superior Court* (2008) 161 Cal.App.4th 1370,
27 1375-1378 [discussing cases].) “Whether, in the exercise of legislative powers, a board acts
28

1 wisely or unwisely, is no concern of the courts. They cannot enter the board room and substitute
2 their judgment for that of the board, nor interfere at all with its action unless the board is
3 exceeding its legislative powers, or its judgment or discretion is being fraudulently or corruptly
4 exercised.” (*Nickerson v San Bernardino County* (1918) 179 Cal. 518, 522-523.)

5 Petitioner argues that the scheduled March 4, 2025 election concerning Measure A
6 cannot proceed because two of the members of the Board of Supervisors expressed bias
7 towards Sheriff Corpus. Petitioner therefore argues that the Board’s adoption of the
8 resolution (with four of the five members present and voting in favor) was impermissibly
9 tainted. She further argues that the adoption of the Resolution was a quasi-adjudicative act,
10 including because the investigation conducted by Judge Cordell was undertaken pursuant to
11 San Mateo County Ordinance Code, section 2.14.080.⁵ (Pet. Brf., at pp. 22-25.)

12
13 ⁵ Section 2.14.080 – Investigation, states in full:

14 Upon receipt of a complaint, the office receiving the complaint shall
15 promptly plan and conduct an appropriate investigation and notify the other
16 offices and the Board of Supervisors or refer the complaint as appropriate. In the
17 case of complaints filed with the Board of Supervisors, the President of the Board
18 shall act on behalf of the Board unless the Board otherwise directs. The President
19 of the Board may direct the County Counsel to plan and conduct the investigation.
20 Depending on the nature of the alleged violation, the investigation may involve
21 departmental management, Human Resources and/or appropriate law enforcement
22 agencies. If the County Counsel’s office is the subject of allegations contained in
23 the complaint, the matter can be referred to the County Manager’s office to plan
24 and conduct an investigation regarding those allegations.

25 (a) Throughout the investigative process, all involved parties will
26 treat the complaint and related information, including, but not limited to,
27 information gathered and prepared in the course of the investigation of the
28 complaint, as confidential unless otherwise necessary to conduct the
investigation or unless disclosure is required by state law. A copy of the
complaint may be given to the subject(s) of the complaint, unless it will
hamper the investigation.

(b) In situations potentially warranting involvement from law
enforcement and/or licensing agencies, the District Attorney and/or the
County Counsel shall determine what action or referral should be made.

(c) At the conclusion of the investigation, the Board of
Supervisors, District Attorney, County Counsel and/or the department will
take the necessary steps to address the improper governmental activity,
including any necessary systemic changes to minimize or prevent
reoccurrence of any improper activity.

1 In her Reply, Petitioner argues that Measure A was proposed in response to the Cordell
2 Report, is directed at Sheriff Corpus, and that the Board acted quasi-adjudicatively. (See Pet.
3 Reply at p. 7.) That the Board acted in light of the Cordell Report does not transform its
4 adoption of the Resolution into an adjudicative act. (*Beverly Hills, supra*, 241 Cal.App.4th at p.
5 671 [“it is the nature of the decision made, not the attributes of the proceeding held before the
6 decision, that determines whether the process is quasi-judicial.”].) The Resolution to propose
7 amending the County Charter was a legislative act, notwithstanding that the Board adopted it in
8 response to the Cordell Report.

9 Legislative bodies may conduct investigations in connection with proposing or
10 enacting legislation. (*Howard Jarvis Taxpayers Ass’n v. Padilla* (2016) 62 Cal.4th 486, 498
11 [one power of a legislative body is “the inherent power ‘[t]o investigate, by the testimony of
12 witnesses or otherwise, any subject or matter, in reference to which [a legislature] has power
13 to act.’”], quoting *Ex parte D.O. McCarthy* (1866) 29 Cal. 395, 404 [italics omitted in
14 original].) The “principal function of a legislature is ‘to enact wise and well-formed and
15 needful laws’ [citation], but a legislature cannot exercise sound judgment without
16 information.” (*Id.* at p. 499, quoting *In re Battelle* (1929) 207 Cal. 227, 240 (*Battelle*).)
17 “Accordingly, ‘the necessity of investigation of some sort must exist as an indispensable
18 incident and auxiliary to the proper exercise of legislative power.’” (*Id.* at p. 499, quoting
19 *Battelle, supra*, at p. 241.)

20 Finally, even if Measure A passes, it only provides the Board with authority to seek to
21 remove an elected sheriff. Any claim regarding a possible future action by the Board to remove
22 an elected sheriff is not ripe for judicial review.

23
24
25 (d) After the investigation has been completed, the President of
26 the Board of Supervisors may authorize the release of a summary of the
27 investigation to the complainant as well as the subject of the complaint, if
28 deemed appropriate.

(Ord. 4324, 08/15/06; Ord. 4327, 09/12/06; Ord. 4329, 09/26/06.)

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2. The Public Safety Officers' Procedural Bill of Rights Does Not Require the Court to Cancel the Election

Petitioner argues that the Public Safety Officers' Procedural Bill of Rights (POBRA), Government Code, section 3300, et seq., requires the County to provide all peace officers with certain procedural measures, including an administrative appeal, before any disciplinary action is taken. Elected sheriffs are defined as peace officers. (Penal Code, section 830.1, subdivision (a).)

POBRA has been described as "primarily a labor-relations statute." (*Lozada v. City and County of San Francisco* (2006) 145 Cal.App.4th 1139, 1149 [POBRA "provides a catalog of basic rights and protections that must be afforded all peace officers by the public entities which employ them."]; *Doyle v. City of Chino* (1981) 117 Cal.App.3d 673, 680 ["the broad purpose of the bill of rights is to promote stable relations between public safety employers and employees."].)

San Mateo County is not Sheriff Corpus's employer. (*Essick v. County of Sonoma* (2022) 81 Cal.App.5th 941, 951-95 2 [county was not sheriff's employer, and board of supervisors did not have the authority to hire, fire, or discipline sheriff]; see also Cal. Const., art. V, 13 ["The Attorney General shall have direct supervision over every district attorney and sheriff . . ."].) Notwithstanding that the Board issued a vote of no confidence in the Sheriff (see Ulrich Decl., exh. 4), at present the Board does not have the power to discipline or remove any elected sheriff.

Essick is instructive. In *Essick*, the Court of Appeal stated that "[i]n commissioning the [investigative report], the Board of Supervisors was fulfilling its 'statutory duty to supervise the conduct of all county officers.'" (*Id.*, at p. 952 [quoting *Dibb, supra*, 8 Cal.4th at p. 1210, citing Gov. Code, § 25303, which created that duty].) Indeed, the appellate court held that the board of supervisors' written admonishment to the sheriff did not constitute a "reprimand" under POBRA because the board was not the sheriff's employer. "Reprimands 'must have employer-driven consequences — affecting promotion, advancement, or pay, and

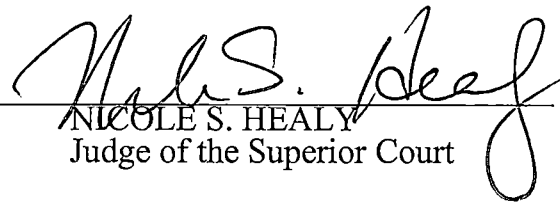
1 potentially leading to discharge. Written reprimands of peace officers are ‘punitive actions’
2 only because they “‘may lead to the adverse consequences . . . at some future time’” by the
3 department issuing the reprimand.” (*Ibid.*, quoting *Wences v. City of Los Angeles* (2009) 177
4 Cal.App.4th 305, 317 [further citations omitted].)

5 **E. CONCLUSION**

6 For the foregoing reasons, Sheriff Christina Corpus’s petition for a writ of mandate is
7 denied, and the complaint for injunctive relief is dismissed.

8 **IT IS SO ORDERED.**

9
10 Dated: February 26, 2025

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12 _____
13 NICOLE S. HEALY
14 Judge of the Superior Court