



Monroe County Legislature

VICE PRESIDENT
MERCEDES VAZQUEZ SIMMONS AND
LEGISLATOR
RACHEL BARNHART

April 17, 2024

Via Electronic Mail

Monroe County Legislature
39 West Main Street
Rochester, NY 14614

Honorable Legislators,

We are writing to you to seek support for beginning the process of requiring Dr. Michael Mendoza and County Executive Adam Bello to provide information to the Legislature about the circumstances surrounding Dr. Mendoza's separation from Monroe County. Besides using our subpoena power, which could include forming a special committee and compelling testimony, we are not aware of another way to determine the whole truth of what happened.

Dr. Mendoza abruptly resigned on March 19, immediately leaving his post as Commissioner of Public Health. Dr. Mendoza and County Executive Bello refused to give a reason. Nearly a month later, the media reported on the existence of a [non-disclosure agreement](#) (NDA) barring the release of any information pertaining to Dr. Mendoza's resignation. What's more, the agreement bars Dr. Mendoza from County property without advanced notice and gives him a \$49,000 severance payment.

Without any evidence suggesting otherwise, we should not uphold expansive NDAs that conceal information that is in the public interest. This NDA most certainly hides information in the public interest, given the enormous scope and power of the office of Commissioner of Public Health. In this role, Dr. Mendoza was responsible for public health preparedness, including responses to emergencies, disease outbreaks, and bioterrorism. He also oversaw addiction services, early childhood development, maternal and child health, the Medical Examiner's office, immunizations, and vital records.

The mere existence of the NDA and its contents is enough to warrant a legislative inquiry. The burden is not on us to find out what secrets the Bello administration is keeping from the Legislature *before* we act. Such a barrier would be insurmountable and serve to protect the interests of the County Executive, not the public's interest.

This NDA has broad detrimental effects on public health. Dr. Mendoza has critical information and perspective which could inform public health efforts in New York and across the country. Yet the Non-Disclosure and Non-Disparagement clause prohibits Dr. Mendoza from *ever* discussing "anything related to his employment" or "information he learned during his employment," including about County processes and systems. This would appear to forever prohibit Dr. Mendoza from speaking about Monroe County's pandemic response, particularly if he wanted to share insights into what could have been done better.

According to the NDA, Dr. Mendoza is allowed to testify about his separation from the County “in any proceeding in compliance with a subpoena.” Under §C2-6 of the County Charter, Legislators have broad powers to investigate any County office, including the issuance of subpoenas. Indeed, State Supreme Court Justice James Vazzana affirmed our broad powers in a [recent ruling](#).

If the Bello administration tries to invoke §C3-3(b) to prevent us from investigating this matter, our position is that we cannot interfere with something that has already happened, and our power to investigate all County business supersedes this clause.

Esteemed colleagues, we have a duty and obligation to explore how we can get the facts, including from Dr. Mendoza himself. We need our own, separate legal counsel to advise us on how to proceed on this matter. Monroe County is not an imperial kingdom. Government is not a private corporation. Working together, we can ensure we proceed in a thoughtful way that respects the law, the institution, the parties involved and most of all the public we serve.

Sincerely,



Mercedes Vazquez Simmons
Vice President



Rachel Barnhart
Legislator – District 17

Cc: Adam Bello