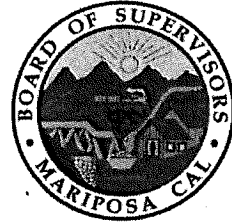


MARIPOSA COUNTY

County Counsel • (209) 966-3222



RESOLUTION - ACTION REQUESTED 2015-34

MEETING: January 20, 2015

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel/Interim HR Director-Risk Manager

RE: Approve Letter Retainer Agreement with Colantuono, Highsmith & Watley, PC

RECOMMENDATION AND JUSTIFICATION:

Approve an Agreement with Colantuono, Highsmith & Whatley, PC to defend the County of Mariposa in the matter of *Davis, et al. v. Board of Supervisors of County of Mariposa*; Mariposa County Superior Court Case No. 10600, and Authorize the Board of Supervisors Chair to Sign the Agreement.

On January 14, 2014 the Board approved implementing the process to affirm the previously approved assessment. On March 25, 2014 the Board adopted a resolution of intention to adopt a fire suppression assessment within CSA No. 3, replacing the assessment approved in 2008. On May 13, 2014 the Board adopted Resolution No. 2014-211 (1) determining that no majority protest exists with respect to the CSA No. 3 fire assessment resolution, (2) improving and levying the assessment, and (3) confirming the rate of the assessment for fiscal year 2014-15.

On December 23, 2014 William E. Davis, *et al.* filed a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief (Mariposa County Superior Court Case No. 10600), which was served on the County of Mariposa on December 24, 2014. Generally, Case No. 10600 seeks to invalidate Resolution No. 2014-211.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On November 13, 2013 William E. Davis, *et al.* filed a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief (Mariposa County Superior Court Case No. 10429), which was served on the County of Mariposa on November 21, 2013. Generally, Case No. 10429 seeks to invalidate Resolution Nos. 2008-340 and 2013-299, and all intervening annual resolutions of a similar nature, which establish a fee structure relative to fire suppression services for Mariposa County Service Area No. 3 ("CSA No. 3"). On January 7, 2014 the Board authorized County Counsel to retain Colantuono and Levin, PC to represent the County in Case No. 10429. That case is still pending.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

FINANCIAL IMPACT:

Expenses related to this Agreement will be paid from the Community Services Area #3 fund.

CAO RECOMMENDATION

Requested Action Recommended

Mary Hoatson

Mary Hoatson, Interim CAO 1/15/2015

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier