MARIPOSA COUNTY RESOLUTION NO. 80-3

A RESOLUTION OF AGREEMENT

RESOLVED, by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, that:

WHEREAS, a civil action has been filed (Mariposa County Superior Court Action No. 5583) against former Supervisors Harold E. Weber and James R. Owings seeking civil damages for alleged acts of said former Supervisors while said former Supervisors were still members of the Mariposa County Board of Supervisors; and

WHEREAS, said former Supervisors, upon service of process of said litigation, pursuant to the provisions of Government Code §995 et seq. requested in writing that a defense to said litigation be provided by the County of Mariposa; and

WHEREAS, the Board of Supervisors on December 4, 1979, authorized the employment of Andrew B. Jones of Chinello, Chinello, Shelton & Auchard to provide a full legal defense to former Supervisors Weber and Owings at the expense of the County pursuant to the provisions of Government Code §995 et seq.; and

WHEREAS, said defense has been provided with the mutual understanding that the County of Mariposa has invoked the provisions of Government Code §825 reserving the right not to pay any judgment, compromise, or settlement which might result from said litigation until it has been established that the alleged cause of action arose out of an act or omission occurring within the ///

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scope of Weber's and Owings' duties as duly elected Supervisors of the County of Mariposa; and

WHEREAS, former Supervisors Weber and Owings have acknowledged the defense as being provided by the County under reservation of rights pursuant to Government Code §825;

NOW, THEREFORE, this Board hereby determines and orders as follows:

1. Former Supervisors Weber and Owings concur in the reservation of rights by the County of Mariposa pursuant to Government Code §825 and confirm their understanding and agreement by accepting this resolution as written indicia of their understanding.

2. This resolution shall constitute the agreement between the County of Mariposa and Weber and Owings in respect to the Government Code §825 reservation of rights.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 2nd day of January, 1980, by the following vote:

AYES: Dalton, Erickson, Moffitt, Taber, Clark
NOES: None
ABSTAINED: None
ABSENT: None

EUGENE P. DALTON, JR., Chairman
Board of Supervisors

APPROVED AS TO FORM:

NEIL B. VAN WINKLE
County Counsel/Administrative Assistant to the Board
DATED: December 18, 1979
ACKNOWLEDGEMENT

The undersigned former Supervisors hereby adopt this resolution as their agreement with the County of Mariposa.

DATE:  12/19/79  
JAMES R. OWINGS

DATE:  12/20/79  
HAROLD E. WEBER