RECOMMENDED ACTION AND JUSTIFICATION:

Request for direction from the Board of Supervisors to County Counsel regarding retention of Appellate Counsel and discussion regarding Appeal in Mike Bird v. County of Mariposa. Authorize County Counsel to retain and direct Appellate Counsel as necessary for defense of County. County Counsel may at his discretion have Allen, Polgar, et al. continue defense and employ additional Appellate Counsel as necessary.

It is estimated that the County will need to spend $25,000 in appellate costs to defend this Appeal.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Ongoing litigation in Mike Bird v. County of Mariposa. The Plaintiff, Mike Bird has appealed the Superior Court decision in favor of the County of Mariposa.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Default.
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TOM GUARINO, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: RETENTION OF APPELLATE COUNSEL REGARDING APPEAL BIRD v. COUNTY OF MARIPSOA
Resolution No. 04-164

THE BOARD OF SUPERVISORS OF MARIPSOA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 20, 2004

ACTION AND VOTE:

B) Request for Direction from the Board of Supervisors to County Counsel Relative to the Retention of Appellate Counsel and Discussion Relative to Appeal (Bird v. County of Mariposa)

BOARD ACTION: Chairman Parker advised that County Counsel will give a report as a result of the closed session on this matter and the following matter. Tom Guarino advised that a closed session was held due to the noticing of an appeal of the Court’s action on this matter. He reviewed the history and Court actions on this case and advised that the County has incurred $38,000 in costs, plus staff time to this point in defending the case. Discussion was held relative to the costs and the portion the County is attempting to recover. Rich Inman, County Administrative Officer, advised that the recommended action includes an appropriation of $25,000 from the Insurance Liability Fund for the appellate costs to defend this appeal. (M)Stetson, (S)Pickard, Res. 04-164 was adopted authorizing County Counsel to retain appellate counsel as necessary for the defense of the County, and appropriating $25,000 as recommended for the costs to defend this appeal/Ayes: Unanimous.

cc: Mary Hodson, Deputy County Administrative Officer
Ken Hawkins, Auditor
File