

1 MARIPOSA COUNTY RESOLUTION NO. 80-3

2 A RESOLUTION OF AGREEMENT

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

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

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

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

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

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

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

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

8 1. Former Supervisors Weber and Owings concur in the
9 reservation of rights by the County of Mariposa pursuant to
10 Government Code §825 and confirm their understanding and agree-
11 ment by accepting this resolution as written indicia of their
12 understanding.

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

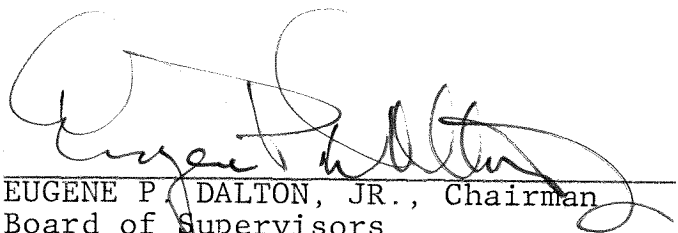
16 PASSED AND ADOPTED by the Board of Supervisors of the
17 County of Mariposa this 2nd day of January, 1980, by the
18 following vote:

19 AYES: Dalton, Erickson, Moffitt, Taber, Clark

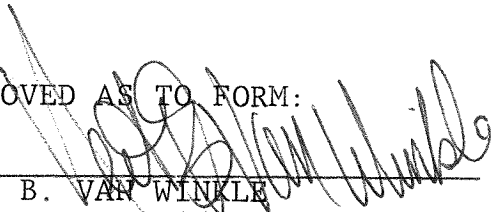
20 NOES: None

21 ABSTAINED: None

22 ABSENT: None

23 
24 EUGENE P. DALTON, JR., Chairman
Board of Supervisors

25 APPROVED AS TO FORM:

26 
27 NEIL B. VAN WINKLE
County Counsel/Administrative
Assistant to the Board

28 DATED: December 18, 1979

1 ATTEST:

2 Joan J. Lynk
3 JOAN J. LYNK, Clerk of the Board

4 ACKNOWLEDGEMENT

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

7 DATE: 12/19/79

8 James R. Owings
JAMES R. OWINGS

9 DATE: 12/20/79

Harold E. Weber
HAROLD E. WEBER

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