

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILED

ORDER NO.) IN THE MATTER OF AUTHORIZING PROVISION
96-12-19-3) OF COUNSEL FOR DEFENDANTS IN
) OLSON v. CORNACCHIA, et al, Case No.
) 16-96-03872

DEC 20 1996

COUNTY CLERK
BY *[Signature]*

WHEREAS, Commissioners Steve Cornacchia, Jerry Rust, Ellie Dumdi, Bobby Green, Sr., and Cindy Weeldreyer, Sheriff Robert Mc Manus, and Lane County are named defendants in the lawsuit Olson v. Cornacchia, et al, Lane County Circuit Court Case No. 16-96-03872, a suit for declamatory judgment and statutory penalties pursuant to ORS 294.100, and

WHEREAS, the identified litigation seeks judgment against the individuals personally, and

WHEREAS, the individuals have requested defense pursuant to Lane Manual 61.040(5), and

WHEREAS, despite each Commissioner having declared a conflict of interest under ORS Ch. 244, the rule of necessity permits their voting on this matter, and

WHEREAS, it appears probable that County Counsel may be involved in the litigation, and thus unable to try the case, and

WHEREAS, the Board of County Commissioners having considered the policy, finds that it is in the County's best interest to provide a defense in this instance where it appears that the alleged acts occurred in the performance of the individual's duties, now therefore,

IT IS HERBY ORDERED that subject to the provisions of Lane Manual 61.040, the County shall provide a defense for the named individuals and shall engage outside counsel to do so, and it is further

ORDERED that Lane County shall engage outside counsel to provide a defense for the County , and it is further

ORDERED the County Administrator is delegated authority to execute contracts with Harrang, Long, Gary, Rudnick, P.C., for the County Commissioners in an amount not to exceed \$25,000, with Robert C. Cannon, for Lane County in an amount not to exceed \$25,000, and with Hershner, Hunter, Moulton, Andrews and Neill, for Sheriff Mc Manus in an amount not to exceed \$25,000, to be paid from the self-insurance fund.

DATED this 19th day of December, 1996.

[Signature]

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 12/19/96 Lane County
[Signature]
OFFICE OF LEGAL COUNSEL