

County of El Dorado

BOARD OF SUPERVISORS

WILLIAM S. BRADLEY.....DISTRICT I
 RAYMOND J. NUTTING.....DISTRICT II
 J. MARK NIELSEN.....DISTRICT III
 WILLIAM N. CENTER.....DISTRICT IV
 JOHN E. UPTON.....DISTRICT V
 DIXIE L. FOOTE.....CLERK OF THE BOARD

330 Fair Lane • Placerville, CA 95667
 Telephone (916) 621-5390



C O N F O R M E D

A G E N D A

Special Meeting of the Board of Supervisors

May 16, 1994

1:00 P.M.

BOARD OF SUPERVISORS MEETING ROOM
 330 Fair Lane, Building A, Placerville

JOHN E. UPTON, Chairman Dixie L. Foote, Board Clerk
 SUPERVISORS: BRADLEY, NUTTING, NIELSEN, CENTER AND UPTON
 Supervisor Nielsen absent

 HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
 INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

12:00 Noon - Board of Supervisors attended a luncheon with the Friends of the Library at the Main Library, 345 Fair Lane, Placerville. 10342

1:00 P.M. - CALL TO ORDER

ADOPTION OF AGENDA
BOARD ACTION - Agenda adopted.

BNuCU N(a)

Approval of Conformed Agenda (Minutes) of May 9, 1994.

BOARD ACTION - Approved as corrected to state that Supervisor Nielsen exited the meeting at 4:24 p.m. on May 9, 1994.

CBNuU N(a)

Closed Session pursuant to Government Code Section 54956.9 regarding Kimzey vs Neasham, El Dorado County Superior Court Case No. PV93-3751; and initiation of litigation pursuant to Government Code Section 54956.9(c). (Continued 5/9/94)

BOARD ACTION - Board directed special counsel to submit to the proper authorities for further investigation and possible initiation of litigation, matters that have come to the attention of the Board arising from Kimzey vs Neasham. The action, the defendants, and other particulars shall, once litigation is formally commenced, be disclosed to any person upon inquiry.

BCNuU N(a)

Upon the advice of special counsel that neither Supervisors Upton or Center or County Chief Administrative Officer, Paul McIntosh, had violated conflict of interest provisions of the Political Reform Act by making, participating in making, or attempting to influence Board decisions regarding Board direction and control of the Kimzey vs Neasham litigation; and that County Counsel Sam Neasham possibly has a financial interest in the Kimzey vs Neasham litigation but has throughout the proceeding to date declined to participate in any way that would have caused a violation of the conflict of interest provisions of the Political Reform Act; the Board acted as follows:

- a. Directed County Counsel Neasham to continue to not participate in Board proceedings with respect to the direction and control of the Kimzey vs Neasham litigation because of his possible financial interest;
- b. Found that County Counsel Neasham's non-participation in this litigation will not affect the ability of the County Counsel's Office to participate in Board direction and control of the Kimzey vs Neasham litigation without the County Counsel's participation therein;
- c. Waived any attorney-client conflicts associated with further County Counsel's Office participation in Board direction and control of the Kimzey vs Neasham litigation without the County Counsel's participation therein; and
- d. Authorized John Delehant of Porter, Scott, Weiberg, and Delehant to continue to represent all defendants in the Kimzey vs Neasham litigation.

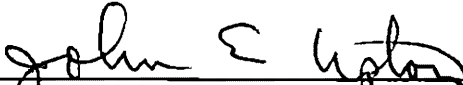
BCNuU N(a)

10561


BOARD OF SUPERVISORS ADJOURNED

APPROVED:

ATTEST:



JOHN E. UPTON, Chairman



DIXIE L. FOOTE, Clerk of the Board