

**Resolution No. 336**

**October 22, 2007  
Special Board Meeting**

**RESOLUTION AUTHORIZING THE PAYMENT OF \$13,346.23  
IN TOTAL LEGAL FEES AND TOTAL COST AND  
DISBURSEMENTS INCURRED BY CLIFFORD R.  
DONALDSON, JR. IN THE MATTER OF GEORGE H. CANON  
AGAINST CLIFFORD R. DONALDSON, JR. VENUED IN THE  
ESSEX COUNTY SUPREME COURT BEARING INDEX NO.  
000456-05 PURSUANT TO THE DECISION, ORDER, AND  
JUDGMENT OF THE HON. PATRICK R. MCGILL DATED  
APRIL 12, 2007**

The following resolution was offered by Supervisor Dobie, who moved its adoption.

**WHEREAS**, pursuant to the Decision, Order, and Judgment of the Hon. Patrick R. McGill, Acting Supreme Court Justice dated April 12, 2007, the County of Essex has been ordered to pay all reasonable and necessary legal fees and costs incurred by Mr. Donaldson in the matter of George H. Canon against Clifford R. Donaldson, Jr. venued in the Essex County Supreme Court bearing Index No. 000456-05; and

**WHEREAS**, council for Clifford R. Donaldson, Jr. has submitted itemized bills to the County incident to the total legal fees and total costs and disbursements incurred by Mr. Donaldson in the above captioned matter which total \$13,346.23 in total legal fees and total costs and disbursements including amounts contained in the Bill of Costs;

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the payment of \$13,346.23 in total legal fees and total costs and disbursements which include amounts in the Bill of Costs submitted in the matter of George H. Canon against Clifford R. Donaldson, Jr., venued in the County of Essex and bearing Index No. 000456-05 to be paid from Contingency; and

**BE IT FURTHER RESOLVED**, that these monies shall be delivered to the attorney for Clifford R. Donaldson.

This resolution was seconded by Supervisor Moses, and duly adopted upon a roll-call vote as follows:

**AYES:** 2403 votes  
**NOES:** 382 votes (Morrow, Glebus, Ashworth)  
**ABSENT:** 58 votes (Jackson)

<b>BUDGET IMPACT STATEMENT:</b>	
Contingent Account Balance as of 10/1/07:	\$391,084.87
Reduction Impact of this resolution:	\$ 13,346.23
<b>FY2007 Contingent Account Balance:</b>	<b>\$377,738.64</b>

*Resolution No. 337*

*October 22, 2007  
Special Board Meeting*

**RESOLUTION AUTHORIZING THE PAYMENT OF \$932.57 IN  
 TOTAL COSTS AND DISBURSEMENTS INCURRED BY  
 CLIFFORD R. DONALDSON, JR. IN A CERTAIN ACTION  
 ENTITLED, CLIFFORD R. DONALDSON, JR. AGAINST ESSEX  
 COUNTY, VENUED IN THE SUPREME COURT, COUNTY OF  
 ESSEX BEARING INDEX NO. 00785-06 BUT DECLINING TO  
 PAY ANY LEGAL FEES INCURRED BY MR. DONALDSON IN  
 THAT ACTION**

The following resolution was offered by Supervisor Dobie, who moved its adoption.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the payment of \$932.57 in total costs and disbursements and total amounts stated in the

Bill of Costs with respect to the matter venued in the Essex County Supreme Court entitled, Clifford R. Donaldson, Jr. against Essex County, bearing Index No. 00785-06 which funds are to come from contingency; and

**BE IT FURTHER RESOLVED**, that the Essex County Board of Supervisors declines to pay any and all attorneys fees and other costs incurred by Clifford R. Donaldson, Jr. as the rule in New York State is that each party is required to pay the cost of his own attorneys fees and a defendant may not be required to pay a plaintiff's attorney fees absent a contract or specific statutory authorization.

This resolution was seconded by Supervisor Ashline, and duly adopted upon a roll-call vote as follows:

**AYES:**            **1,812 votes**  
**NOES:**           **973 votes**            **(Morrow, Glebus, Connell, Seney, Ashworth)**  
**ABSENT:**        **58 votes**                **(Jackson)**

<b>BUDGET IMPACT STATEMENT:</b>	
<i>Contingent Account Balance as of 10/1/07:</i>	\$377,738.64
<i>Reduction Impact of this resolution:</i>	\$ 932.57
<i>FY2007 Contingent Account Balance:</i>	\$376,806.07