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No decision yet on MALDEF suit

By JENNIFER KOSS
STAFF WRITER

The Watsonville City Council met for more than two hours behind closed doors this morning, but the only decision made about the election lawsuit was to request more information on the city's insurance coverage.

"The questions about the insurance haven't been answered to my satisfaction," Councilman Dennis Osmer said after the meeting. "We have to investigate the ramifications and consequences of dropping the appeal."

He also said he did not think the council was moving in the direction of investigating all the consequences as it should. Osmer is the only council member to state publicly that the city should drop the suit. He said he felt his fellow council members had already made up their minds to fight it.

Mayor Betty Murphy, who emerged a few minutes after Osmer from the City Administration Building, where the council met in the the city manager's office, said council members agreed to request in writing the verbal answers they



Mayor Betty Murphy talks to MALDEF supporters outside the meeting.

received over the phone today on the insurance from New York attorney Vincent Fontana. She would not say what those answers were.

The council also asked Fontana to get more information from the insurance company, Republic Insurance Group based in Dallas, Texas, Murphy said. The insurance company is paying for the city's legal battle.

forecast

Clear tonight and sunny tomorrow. Highs in the 50s.

Details page 13.

See CITY page 2 ▶

WATSONVILLE RP 1/14/89

City still ponders insurance questions

▶ From page 1

About a dozen supporters of the Mexican American Legal Defense Fund, which brought the suit, waited outside the Police Department to see if any decision had been reached on whether the city would appeal to the U.S. Supreme Court.

The local League of United Latin American Citizens held a board of directors meeting on the sidewalk while they waited. When the council meeting broke up and council members emerged from the building, the waiting group clustered around council members to ask questions.

Murphy said the council's letter to Fontana would ask what the cost to the city would be if the council were to decide not to appeal the lower court's ruling, which called Watsonville's at-large election system discriminatory to Hispanics. She would not reveal more specifically the contents of the letter.

She did say, however, that Fontana's comments this morning somewhat backed up City Attorney Don Haile's assertions that the city could be liable for \$1 million in court costs and legal fees if it dropped the suit.

Haile said the insurance company wants to fight the suit because completing the appeals process to the Supreme Court would only cost \$50,000 to \$75,000 more and the cost of the city's legal battle is already more than \$500,000. Assuming the costs are similar for MALDEF, the total is more



Kurt Ellison

Councilman Dennis Osmer, right, wants to see the lawsuit abandoned.

than \$1 million.

The city's insurance policy contains a "cooperation clause," Haile said, that could force the city to pay the \$1 million if it went against the insurance company's wishes and dropped the suit. The cost to the city now is only a \$2,500 deductible payment to its insurance company.

Murphy, who has stated repeatedly she thinks the city should petition the Supreme Court, said this morning she had no questions about the

insurance. The meeting was held to answer the questions of other council members, she said.

Councilman Vido Deretich said this morning's conversation answered his questions "almost 100 percent," but said he was still privately seeking answers from a couple of people whose opinions he values. Deretich has said he would make up his mind on the appeal when he gets all his questions answered.

MALDEF supporters who

want the city to drop the suit and go to district elections made it clear before the meeting that their battle with the city will not be over until Hispanics have equal political opportunities.

"It will not be over until we can have access to the political process," said Rebecca Garcia, president of the local LULAC chapter.

The council is scheduled to hold another closed session on the MALDEF suit at 5 p.m. Tuesday.