

†E† (B) THE PAYMENT OF THE GRANT BY THE COUNTY COMMISSIONERS MAY NOT BE CONSTRUED TO ABROGATE THE IMMUNITY OF THE STATE OR COUNTY, OR DEPRIVE ANY AGENCY BOARD, COMMISSION DEPARTMENT OFFICER OR INSTITUTION, OR ANY EMPLOYEE THEREOF OF ITS SOVEREIGN IMMUNITY. ANY APPEAL MAY NOT BE MADE TO ANY COURT FROM A DECISION OF THE COUNTY COMMISSIONERS MADE PURSUANT TO THIS SECTION.

†B† (C) (1) FOR THE PURPOSES OF THIS SECTION, THE TERM "COUNTY OFFICER" INCLUDES A PERSON WHO HOLDS A POSITION WHICH, WHILE ACTING IN THE PERFORMANCE OF HIS DUTIES AND WITHIN THE SCOPE OF HIS EMPLOYMENT, INVOLVES THE EXERCISE OF DISCRETION AND INVOLVES THE DISCHARGE OF A PORTION OF THE SOVEREIGNTY OF THE STATE OR COUNTY, REGARDLESS OF THE AMOUNT OR SOURCE OF HIS COMPENSATION.

(2) FOR THE PURPOSES OF THIS SECTION, THE TERM "COUNTY EMPLOYEE" INCLUDES:

(I) ANY REGULAR CLASSIFIED OR UNCLASSIFIED EMPLOYEE OF THE COUNTY FOR WHOM COMPENSATION IS PROVIDED FOR BY COUNTY APPROPRIATION OR WHOSE COMPENSATION IS PAID, IN WHOLE OR IN PART, FROM COUNTY FUNDS;

(II) ANY EMPLOYEE SUBJECT TO THE JURISDICTION OF THE COUNTY BUREAU OF PERSONNEL;

(III) A PERSON PERFORMING THE SERVICES OF A COUNTY EMPLOYEE ON A VOLUNTARY BASIS.

(3) THE COUNTY COMMISSIONERS SHALL DETERMINE, IN CASES OF DOUBT, WHETHER ANY PERSON MAKING WRITTEN APPLICATION UNDER SUBSECTION (B) IS A COUNTY OFFICER OR COUNTY EMPLOYEE FOR THE PURPOSE OF THIS SECTION, REGARDLESS OF THE METHOD, SOURCE, OR AMOUNT OF COMPENSATION OF THE PERSON.

(D) THE IMMUNITIES OR DEFENSES AVAILABLE TO AN INDIVIDUAL COUNTY OFFICER OR EMPLOYEE FOR HIS ACTIONS SHALL REMAIN UNAFFECTED BY THE PROVISIONS OF THIS SECTION.

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(A) SUBJECT TO THE PROVISIONS OF § 3-70, THE COUNTY ATTORNEY, WHEN REQUESTED IN WRITING BY ANY OFFICER OR EMPLOYEE OF THE COUNTY, MAY DEFEND ANY CRIMINAL ACTION INSTITUTED IN THE COURTS OF THIS STATE OR OF THE UNITED STATES AGAINST THE OFFICER OR EMPLOYEE BY REASON OF ANY ACT DONE OR OMITTED TO BE DONE WITHOUT MALICE AND IN THE ABSENCE OF GROSS NEGLIGENCE AND IN THE SCOPE OF HIS EMPLOYMENT. HOWEVER, IF THE COUNTY ATTORNEY DETERMINES THAT REPRESENTATION IS APPROPRIATE, SPECIAL COUNSEL SHALL BE APPOINTED TO APPEAR AND DEFEND THE CRIMINAL ACTION.

(B) (1) SUBJECT TO THE PROVISIONS OF § 3-70, THE COUNTY ATTORNEY, WHEN REQUESTED IN WRITING BY ANY OFFICER OR