

RESOLUTION #22-14:

A RESOLUTION OF THE VILLAGE OF PINEHURST COUNCIL APPROVING ESTABLISHMENT OF A LITIGATION COMMITTEE AND APPOINTMENT OF MEMBERS.

WHEREAS, the Village of Pinehurst is in receipt of a lawsuit filed against the Village by NC CITIZENS FOR TRANSPARENT GOVERNMENT, INC., AND Kevin Drum; and

WHEREAS, the Pinehurst Village Council has a fiduciary responsibility to effectively defend the Village's interests regarding *NC CITIZENS FOR TRANSPARENT GOVERNMENT, INC., AND Kevin Drum v. The Village of Pinehurst, 2022*; and

WHEREAS, Council Member Lydia Boesch has advised the Council that, based upon the advice and recommendation of her own private attorney, she should not participate in direction of the Village of Pinehurst's defense regarding this lawsuit due to conflicts of interest; and

WHEREAS, North Carolina General Statutes do not enable either voluntary or Council imposed recusal in this conflict-of-interest situation; and

WHEREAS, North Carolina General Statutes do permit local government boards to form committees for the purpose of carrying out specific actions within the authority of the local government board.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 3rd day of June, 2022 as follows:

SECTION 1. That the Village of Pinehurst Council hereby creates the Litigation Committee to direct the Village of Pinehurst's actions regarding *NC CITIZENS FOR TRANSPARENT GOVERNMENT, INC., AND Kevin Drum v. The Village of Pinehurst, 2022*; and

SECTION 2. The Committee will be comprised of Mayor John Strickland, Mayor Pro Tem Patrick Pizzella, Councilmember Jeff Morgan, and Councilmember Jane Hogeman; and

SECTION 3. The Committee is authorized to do and perform all acts, including, but not limited to, direction of Village counsel and execution of documents as the Committee sees fit to effectively defend the Village's interests.

SECTION 4. The Committee shall be dissolved upon the conclusion of the litigation proceedings regarding this case and may be modified or dissolved at any future date prior to conclusion of litigation by action of the Village Council.

SECTION 5. This resolution shall be effective from and after the date of passage.

THIS RESOLUTION passed and adopted this 3rd day of June, 2022.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
John C. Strickland, Mayor

Attest:

Approved as to Form:

Kelly Chance, Village Clerk

Michael J. Newman, Village Attorney