

**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 3<sup>rd</sup> 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 3<sup>rd</sup> day of June, 2022.

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

(Municipal Seal)



By: *John C. Strickland*  
John C. Strickland, Mayor

Attest:

Approved as to Form:

*Kelly Chance*  
Kelly Chance, Village Clerk

*Michael J. Newman*  
Michael J. Newman, Village Attorney