

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
HORN BROOK COMMUNITY SERVICES DISTRICT WITHDRAWING
THE DEFENSE AND INDEMNIFICATION OF SHARREL BARNES

WHEREAS, Government Code section 825(a) provides that a public entity shall indemnify a former employee only when the employee reasonably cooperates in the good faith in the defense of an action; and,

WHEREAS, Government Code section 995 provides that a public entity shall provide for the defense of a civil action brought against a former employee on account of an act or omission in the scope of his or her employment; and,

WHEREAS, Government Code section 995.2 (a) (3) provides that a public entity may refuse to defend a former employee when such a defense would create a specific conflict of interest between the entity and the former employee; and,

WHEREAS, Sharrel Barnes is a former employee (as a Board member) of this District; and,

WHEREAS, Sharrel Barnes is named as a defendant in a pending court case, Siskiyou County Superior Court number 14-671; and,

WHEREAS, in conjunction with its obligation to indemnify Sharrel Barnes, this District has been providing a legal defense to her in said court case; and,

WHEREAS, it has come to the attention of this Board that Sharrel Barnes, by disclosing confidential attorney-client communications to the plaintiff in said court case, and in other respects, is not reasonably cooperating in the good faith defense of the action; and,

WHEREAS, the indemnification of Sharrel Barnes is not in the best interests of the District and its constituents; and,

WHEREAS, Sharrel Barnes has voluntarily filed court papers, and taken positions, in the pending court case adverse to the interests of the District and its employees and former employees, creating a conflict-of-interest;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. This District will no longer defend or indemnify Sharrel Barnes in said pending court case.

2. This District will not defend or indemnify Sharrel Barnes in any future court cases until such time as she warrants, to the satisfaction of this Board, an ability and willingness to reasonably cooperate in her legal defense, including but not limited to the safeguarding of confidential attorney-client communications.

3. The District's Secretary shall notify Sharrel Barnes of this Resolution by mailing a copy to her, along with a Substitution of Attorneys form, and if Sharrel Barnes refuses to sign and return the form, the District's attorney of record in the pending court case is instructed to make a motion to that effect.

I certify that the foregoing Resolution was adopted at a duly-called meeting of the Board of Directors of the Hornbrook Community Services District, held on March 28, 2018, by the following vote:

Directors Voting in Favor: _____

Directors Voting Against: _____

Directors Abstaining: _____

Directors Absent: _____

Dated: _____

District Secretary

Attest: _____
District Board President