

MEMORANDUM

TO: Board of Trustees

FROM: Indra S. Winqest
Interim District General Manager

SUBJECT: Case No. CV18-01564 Mark E. Smith v. IVGID
Review, discuss and possibly approve providing Interim District General Manager Winqest with a not-to-exceed \$7,500.00 in legal fees and costs to cover fees that were not budgeted as of the last update (Requesting Staff Member: Interim District General Manager Indra Winqest)

DATE: January 15, 2020

I. RECOMMENDATION

That the Board of Trustees makes a motion to approve providing Interim District General Manager Winqest with a not-to-exceed \$7,500.00 in legal fees and costs to cover fees that were not budgeted as of the last update in Case No. CV18-01564 Mark E Smith v. IVGID.

II. EXECUTIVE SUMMARY

Over the past couple of months, there has been a meeting between Mr. Smith and Interim District General Manager Winqest to discuss settlement of this case. A tentative verbal offer was made and it has been shared with the Board of Trustees during a litigation meeting. Following this meeting, Mr. Smith's attorney has filed several motions that require a response from the District. Presently, there has been no money authorized by the Board and thus this request.

III. ALTERNATIVES

Do not approve this recommendation which causes no response to any motion filed and allow the District to work through those consequences.

IV. COMMENTS

This case, which started out as a request for public records, has now morphed into a case about attorney/client privilege. It is vital that the District do everything within its powers to protect this privilege. As a reminder, Mr. Smith brought this suit against the District thus we are the defendant in this matter and it is paramount that we be an active defendant. Mr. Beko is our attorney and he understands the details of this case.