



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC:** Adopt Resolution regarding Cause Number 2017CVK000352-D4; In the 406<sup>th</sup> Judicial District Court, Webb County, Texas; *Melissa Lerma vs. Rita Garner, et. al.*, and any other matters incident thereto, including legal representation of Defendants.

**SUBMITTED BY:** Juan J. Cruz **OF:** School Attorney

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** \_\_\_\_\_

**DATE ASSIGNED FOR BOARD CONSIDERATION:** March 22, 2017

**RECOMMENDATION:** It is recommended that the UISD Board of Trustees Adopt Resolution regarding Cause Number 2017CVK000352-D4; In the 406<sup>th</sup> Judicial District Court, Webb County, Texas; *Melissa Lerma vs. Rita Garner, et. al.*, and any other matters incident thereto, including legal representation of Defendants.

**RATIONALE:**

**BUDGETARY INFORMATION:**

**POLICY REFERENCE & COMPLIANCE:**

**RESOLUTION OF THE BOARD OF TRUSTEES  
OF THE UNITED INDEPENDENT SCHOOL DISTRICT  
TO PROVIDE PUBLIC FUNDS FOR LEGAL DEFENSE OF SCHOOL DISTRICT EMPLOYEE AND STUDENTS  
WHO ARE NAMED DEFENDANTS  
IN A LAWSUIT BEFORE THE 406<sup>TH</sup> JUDICIAL DISTRICT COURT IN WEBB COUNTY, TEXAS**

**WHEREAS**, The United Independent School District (“UISD”), a political subdivision of the State of Texas, is currently defending a lawsuit styled *Melissa Lerma v. United Independent School District et al.* under Cause Number 2017 CVK000352-D4 that has been filed in the 406 Judicial District Court in Webb County, Texas; and

**WHEREAS**, Melissa Lerma has, as part of its lawsuit against UISD, also sued a UISD employee and four UISD students, who were witnesses in an Administrative Hearing case against Melissa Lerma styled *United Independent School District v. Melissa Lerma* under TEA Docket Number 048-LH-01-2017; and

**WHEREAS**, the United Independent School District Board of Trustees (“Board of Trustees”) finds that it is in the best interest of UISD to expend public funds to reimburse the legal fees that will be incurred by the UISD employee and students in defending themselves from claims being alleged against them in the above entitled lawsuit; and

**WHEREAS**, the Board of Trustees has also determined that a public purpose would be served in expending public funds to pay for the legal defense of the UISD employee and four students in order to deter similar lawsuits being filed against UISD, its employees, and students.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

Section 1. The United Independent School District shall pay for the legal defense of the United Independent School District employee and students, who have been named as defendants in the lawsuit styled *Melissa Lerma v. United Independent School District et al.* under Cause Number 2017 CVK000352-D4.

Section 2. The Board of Trustees hereby (1) determines these expenditures for the legal defense of the UISD employee and four students serve a public purpose in order to defend these individuals against the allegations being made against them in the lawsuit because not acting would condone a travesty of justice being perpetuated against UISD, its employee and students, (2) retains sufficient control over the legal expenditures that will be incurred in order to ensure the public purpose articulated in this Resolution is being served, and (3) finds the District will receive a return benefit by such an expenditure in order to preclude similar type lawsuits being filed against UISD, its employees, and students.

Motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_, that the resolution above and foregoing be adopted.

For \_\_\_\_\_ Against \_\_\_\_\_

The above resolution was voted on at a regular meeting of the Board of Trustees held on the 22<sup>nd</sup> day of March, 2017.

BY: \_\_\_\_\_  
Judd Gilpin  
President of the Board

ATTEST:

\_\_\_\_\_  
Aliza Flores Oliveros  
Board Secretary