

RESOLUTION NO. 20121017
A RESOLUTION OF THE
HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT
RELATED TO RECOVERING ATTORNEY'S FEES IN LITIGATION.

WHEREAS, the Hays Trinity Groundwater Conservation District ("District") has limited funding; and

WHEREAS, the cost of litigation may be extensive, depending on the length and complexity of each case; and

WHEREAS, the District makes every attempt to settle matters through negotiation before they reach the point of litigation; and

WHEREAS, Section 36.066(g), Water Code, provides that if the district prevails in any suit other than a suit in which it voluntarily intervenes, the district may seek and the court shall grant, in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the district before the court; and

WHEREAS, the District must carefully consider each lawsuit, both filed on behalf of the District and filed against the District, in light of the limited funds available to the District; and

WHEREAS, the Board should always endeavor to recover funds from those who caused the District to expend those funds by either violating District rules or initiating a suit against the District.

NOW, THEREFORE, BE IT RESOLVED:

1. Whenever the district prevails in any suit other than a suit in which it voluntarily intervenes, the district should seek recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the district before the court.
2. This policy applies regardless of the nature of the lawsuit or the other parties involved.
3. Whenever possible, the District will ensure recovery of attorneys fees and costs in any lawsuit settlement or agreed judgment.

PASSED AND APPROVED on this ____ day of _____, 2012.

By: _____
Board President

ATTEST: _____
Board Secretary