

JON DRUCKER'S REMARKS TO CITY COUNCIL
ON INDEMNIFICATION OF LESLIE RULE, Tues. Feb. 5, 2025

Good evening, Councilmembers and Staff, I'm Jon Drucker, counsel to Leslie Rule:

Since you've already paid \$80K to outside lawyers, Myers-Neve, to brief the Council on this matter, let me respond to ITS findings and recommendation. Although that law firm did not cite even one statute or case, it was clear that its analysis was ***exclusively*** under Govt. Code § 995.2(a). It found that under subsection (3), Leslie had a ***“specific conflict of interest.”*** The firm then advised you that it was ***optional*** whether to indemnify her. But Myers Neve was **DEAD WRONG**. The City's obligation is ***absolutely mandatory***, not ***optional under § 995***.

That is because, aside from never identifying ANY “specific conflict,” the firm ***failed*** to inform or advise the Council of the ***second*** (of only two) sentences of the statute, which states: *“For the purposes of this section, ‘specific conflict of interest’ means a conflict of interest or an adverse or pecuniary interest **as specified by statute or by a rule or regulation of the public entity.**”*

That “public entity” is the City of Ojai. And clearly, Ojai has NO such statute, rule or regulation specifying any such a conflict. The Council ***is thus required to*** indemnify Leslie for ***all*** her costs in defending this case.

If the City Council refuses to indemnify her, Leslie will be ***compelled*** to sue the City. After all, she is on the hook for hundreds of thousands of dollars. What would ***you do*** in her position? In such litigation, the City would not only lose, it would have to pay for its own defense, as well as pay Leslie's attorney fees in prosecuting the case. We'd be close to a \$million in costs to the City—a scenario I hope we want to avoid.

Last, let me give you two pieces of ***tangentially relevant*** advice:

First, it took me only 2-3 hours to research and write-up this analysis -- \$2K worth, tops. This City paying an outside law firm \$80,000 for clearly ERRONEOUS ADVICE is OUTRAGEOUS. The City should ask Myers Neve to give back ALL the money it has received from the City, i.e., the taxpayers of Ojai. That money can be put toward Leslie Rule's indemnification.

Second, to limit the City's ongoing exposure, I would advise you, perhaps Rachel Lang is best, to call on former mayor Stix and tell her to ***implore*** her friend, Sabrina Venskus, to immediately dismiss her frivolous case.

Last, I am available for questions and, insofar as the Council will have its attorney, Mr. Summers, present during closed session, I would ask, in the interests of fairness, that Leslie's attorneys, Mr. Johnson and I, also be allowed to be present. Alternatively, allow us to participate as you deliberate in OPEN session.

Thank you.