

RESOLUTION NO. 2026-006

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDIAN VALLEY
COMMUNITY SERVICES DISTRICT APPROVING AN UNCONDITIONAL
COMMITMENT PURSUANT TO GOVERNMENT CODE SECTION 54960.2 TO
CEASE, DESIST FROM, AND NOT REPEAT ALLEGED VIOLATIONS OF THE
BROWN ACT**

WHEREAS, the Board of Directors of the Indian Valley Community Services District (the “District”) is a legislative body subject to the provisions of the Ralph M. Brown Act (Gov. Code, § 54950 et seq.) (the “Brown Act”); and

WHEREAS, the District is committed to conducting the public’s business transparently and in compliance with the Brown Act; and

WHEREAS, on February 3, 2026, the District received a demand to cease and desist from certain alleged violations of the Brown Act from Mr. Darin S. Dupont; and

WHEREAS, under Government Code section 54960.2(b), the District has 30 days to respond to a cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate the Brown Act; and

WHEREAS, any person who submits a cease and desist letter cannot bring a legal challenge to determine the applicability of the Brown Act to any past action of the District Board of Directors if the District responds to the letter with an unconditional commitment in substantially the form prescribed in Government Code section 54960.2; and

WHEREAS, the District does not admit any violation of the Brown Act; and

WHEREAS, the District desires to comply with Government Code section 54960.2 and reiterate its commitment to the Brown Act.

NOW, THEREFORE, the Board of Directors of Indian Valley Community Services District hereby resolves as follows:

1. The foregoing recitals are true and correct;
2. The Board hereby approves the unconditional commitment pursuant to Government Code section 54960.2 to cease, desist from, and not repeat the past acts alleged to violate requirements of the Brown Act, attached hereto as **Exhibit “A”** and incorporated by reference, and authorizes the Board Chair to execute the same.
3. The Board hereby directs the Clerk of the Board to deliver a signed copy of the unconditional commitment to Mr. DuPont.
4. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Indian Valley Community Services District at a regular meeting held on the 18th day of February, 2026 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Daniel Kearns, Board Chair

ATTEST:

Clerk of Board

Exhibit A

Dear Mr. Dupont,

The Board of Directors (“Board”) of the Indian Valley Community Services District (“District”) received your letter on February 3, 2026 alleging that the following described past action(s) of the Board violates the Ralph M. Brown Act (Gov. Code, § 54950, et. seq.) (the “Brown Act”):

We have identified the following dates of agendas and meeting minutes that have not been posted by IVCSD:

May 17, 2025
May 19, 2025
May 20, 2025

Board Members have communicated closed session information to the public.

Any action taken under closed session on May 17, 2025, did not properly follow the requirements under the Brown Act and as such are void of enforceability.

Your written demand was made more than 90 days from the dates on which you allege the challenged action(s) took place, as would be required to take advantage of the procedures set forth in Government Code section 54960.1. Thus, the District is treating your letter as a cease and desist letter pursuant to Government Code section 54960.2.

In order to avoid unnecessary litigation and without admitting any violation of the Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action(s) as described above.

The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as “Rescission of Brown Act Commitment.” You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

Daniel Kearns, Board Chair
Indian Valley Community Services District