

ORDINANCE NO. 3000

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MESQUITE BY ADOPTION OF ARTICLE VII, SECTIONS 198 TO 200; PROVIDING THAT THE CITY WILL SAVE, PROTECT, DEFEND, HOLD HARMLESS, PAY EXPENSES AND INDEMNIFY ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES AND EX-ELECTED AND EX-APPOINTED OFFICIALS AND EX-EMPLOYEES FROM CLAIMS, SUIT OR JUDGMENT IN CONNECTION WITH LAWSUITS FILED AGAINST THE CITY OF MESQUITE AND SAID OFFICIALS AND EMPLOYEES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 2 of the Code of the City of Mesquite is hereby amended as follows, in all other respects said Code and Chapter to remain in full force and effect:

A. That Article VII, entitled "Indemnification and Hold Harmless" of Chapter 2 is hereby adopted.

B. That Sections 2-198 to 2-200 are hereby adopted to read as follows:

ARTICLE VII. INDEMNIFICATION AND HOLD HARMLESS

Sec. 2-198. Protection.

That the City of Mesquite shall at City expense save, protect, defend, hold harmless, pay expenses and indemnify elected and appointed officials and employees and ex-elected and ex-appointed officials and ex-employees from claims, suit or judgment in connection with lawsuits filed against the City of Mesquite and said officials and employees resulting from acts performed within the course of their duties with the City of Mesquite.

Sec. 2-199. Pay damages.

The City of Mesquite shall pay damages or losses that said officials and employees are legally obligated to pay arising from the elected and appointed official's and employee's and ex-elected and ex-appointed official's and ex-employees duties with the City of Mesquite.

In addition to the coverage provided in the above paragraph the City will pay:


1. The expenses in investigating and defending the claim or lawsuit;
 2. Costs taxed against said officials and employees in a suit covered by this ordinance and interest that accrues after entry of judgment before the City has deposited payment with the court.
 3. Expenses incurred at the City's request for said officials and employees including mileage.
 4. Attorney's fees ordered by the court to be paid by the said employees.
- Sec. 2-200. Cooperation of said officials and employees to be entitled to coverage, the said officials and employees must:**
1. Cooperate with the City Attorney and/or outside counsel selected by the City, and upon their request, assist in conducting the lawsuits;
 2. Attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses;
 3. Not, except upon advice of City Attorney or outside counsel, give any oral or written statement or enter into any stipulation or agreement concerning a claim or lawsuit; and
 4. Not, except at the said official's and employee's own cost, voluntarily make any payment, assume any obligation, or incur any expense with respect to a claim or lawsuit without the consent of the City.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance to be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. The fact that the present ordinances are not adequate to protect elected and appointed officials and employees and ex-elected and ex-appointed employees and ex-employees creates an urgency and emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite,
Texas, on the 7th day of November, 1994.



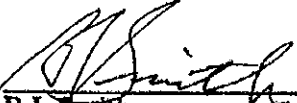
Cathye Ray
Mayor

ATTEST:



Lynn Prugel
City Secretary

APPROVED:



B.J. Smith
City Attorney

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