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RESOLUTION NO. 29-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, PROVIDING THAT THE CITY WILL SAVE, PROTECT, DEFEND, HOLD HARMLESS AND INDEMNIFY CERTAIN EMPLOYEES FROM CLAIM, SUIT OR JUDGMENT IN CONNECTION WITH THE FEDERAL LAW SUIT FILED BY SEDI TOUMANI AGAINST THE CITY OF MESQUITE AND SAID EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS;

SECTION 1. That the City of Mesquite shall at City expense save, protect, defend and hold harmless from suit, claim or judgment each of the City of Mesquite employees named now in the lawsuit filed by Sedi Toumani in the Federal District Court for the Northern District of Texas, styled:

Sedi Toumani v. The City of Mesquite Texas, C. K. Duggins, Ben Franklin, Billy J. Thompson, Jonathan Graham, Janice McCorkel, R. W. Stephens, Melvin Ziegenbein, individually and in their official capacities; Cause No. CA3-87-1935-D.

A. The City of Mesquite shall pay damages or losses that an employee is legally obligated to pay arising out of the above styled lawsuit.

B. In addition to the coverage provided in paragraph A the City will pay:

1. The City's expenses in investigating and defending the claim or lawsuit;

2. Costs taxed against an employee in a suit covered by this resolution and interest that accrues after entry of judgment before the City has deposited payment with the court on that part of the judgment which does not exceed the limits of coverage;

3. Reasonable expenses of the employee incurred at the City's request; and

4. Attorney's fees ordered by the court to be paid by the employee.

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C. To be entitled to coverage the employee must:

1. Notify the City Attorney in writing as soon as practicable upon receipt of written notice of a claim or lawsuit, but no later than three (3) working days after receipt;
2. Cooperate with the City Attorney and/or outside counsel and upon their request, assist in conducting the lawsuits;
3. Attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses; and
4. Not, except upon advice of the City Attorney or outside counsel, give any oral or written statement or enter into any stipulation or agreement concerning a claim or lawsuit;
5. Not, except at his 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 this Resolution shall take effect immediately upon date of passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 5th day of October, A.D., 1987.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Frugel
City Secretary

APPROVED:


Jonathan Graham
City Attorney