

00127

RESOLUTION NO. 39-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, PROVIDING THAT THE CITY WILL SAVE, PROTECT, DEFEND, HOLD HARMLESS, GIVE A PER DIEM, PAY EXPENSES AND INDEMNIFY EX-ELECTED AND APPOINTED OFFICIALS AND EX-EMPLOYEES FROM CLAIMS, SUIT OR JUDGMENT IN CONNECTION WITH LAWSUITS FILED AGAINST THE CITY OF MESQUITE AND SAID EX-ELECTED AND APPOINTED OFFICIALS, AND EX-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, hold harmless, give a per diem, pay expenses and indemnify ex-elected and appointed officials and ex-employees from claims, suit or judgment in connection with lawsuits filed against the City of Mesquite and said ex-elected and appointed officials, and ex-employees resulting from acts performed within the course of employment or within the scope of the official duties of office.


- A. The City of Mesquite shall pay damages or losses that said ex-elected and appointed officials, and ex-employees are legally obligated to pay arising from a 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 said ex-elected and appointed officials, and ex-employees in a suit covered by this resolution and interest that accrues after entry of judgment before the City has deposited payment with the court.
 - 3. The per diem will be \$75.00 per day for said ex-elected and appointed officials and ex-department heads, and \$50.00 per day for all other ex-employees; and
 - 4. Expenses incurred at the City's request for said ex-elected and appointed officials, and ex-employees including mileage.
 - 5. Attorney's fees ordered by the court to be paid by the ex-elected and appointed officials and ex-employees.
- C. To be entitled to coverage, the said ex-elected and appointed officials, and ex-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 the 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 ex-elected and appointed officials, or ex-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.

.00128

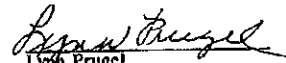
Page 2

SECTION 2. That this Resolution shall take effect immediately upon date of passage.

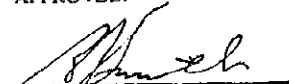
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 4th day of December, 1989.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney