



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/24/11		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): <b>Betsy Allen 7125</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, finding Officer Kenneth Foale is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Andrew Toliver v. Kenneth Foale; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2010-11</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
<b>FUND(S):     GENERAL FUND</b>				
<b>COMMENTS:</b> Any costs associated with this item are undeterminable at this time.				
STRATEGIC PLAN GOAL: Legal representation for a city employee relates to the City's Goal of Safe Large City.				
<b>SUMMARY OF ITEM</b>				
Pursuant to City Ordinance regarding defense of employees, staff recommends defense representation be provided for Officer Kenneth Foale in the lawsuit entitled Andrew Toliver v. Kenneth Foale.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
n/a		n/a		

**A Resolution of the City Council of the City of Plano, Texas, finding Officer Kenneth Foale is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Andrew Toliver v. Kenneth Foale; and providing an effective date.**

**WHEREAS**, the City Council has reviewed the matter entitled Andrew Toliver v. Kenneth Foale and finds that defense representation is appropriate for Officer Kenneth Foale pursuant to Section 2-10 of the City Code of Ordinances.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The City Council finds that based upon the pleadings in the above-referenced lawsuit, the defense representation for Officer Kenneth Foale is appropriate pursuant to the terms of City Code of Ordinances Section 2-10.

**Section II.** This Resolution shall become effective immediately after its passage.

**DULY PASSED AND APPROVED** this the 24th day of January, 2011.

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY