



**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:		8/27/12		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): <b>Betsy Allen # 7545</b>				
<b>CAPTION</b>				
<p><b>A Resolution of the City Council of the City of Plano, Texas, finding Officer Samuel Mark McClendon is entitled to defense representation pursuant to the City Code of Ordinances in connection with the matter of <u>Roger C. Fountain v. City of Plano Police Department, et al.</u>, in the United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:12-cv-00026; and providing an effective date.</b></p>				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	1,454,333	0	<b>1,454,333</b>
Encumbered/Expended Amount	0	-1,082,234	0	<b>-1,082,234</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	372,099	0	<b>372,099</b>
<b>FUND(S) PROPERTY/LIABILITY LOSS FUND</b>				
<p><b>COMMENTS:</b> Any costs associated with this item are undeterminable at this time. Once determined, all costs will be covered by the Property/Liability Loss Fund.</p> <p>STRATEGIC PLAN GOAL: Legal representation for a city employee relates to the City's goal of Safe Large City.</p>				
<b>SUMMARY OF ITEM</b>				
<p>Pursuant to City Ordinance regarding defense of employees, staff recommends defense representation be provided for Officer Samuel Mark McClendon in the lawsuit entitled Roger C. Fountain v. City of Plano Police Department, et al.</p>				
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 Samuel Mark McClendon is entitled to defense representation pursuant to the City Code of Ordinances in connection with the matter of Roger C. Fountain v. City of Plano Police Department, et al., in the United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:12-cv-00026; and providing an effective date.**

**WHEREAS**, the City Council has reviewed the matter entitled Roger C. Fountain v. City of Plano Police Department, et al., in the United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:12-cv-00026 and finds that defense representation is appropriate for Officer Samuel Mark McClendon 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 Samuel Mark McClendon 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 27th day of August, 2012.

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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