



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		10/26/15		
Department:		Legal		
Department Head		Paige Mims		
Agenda Coordinator (include phone #): Betsy Allen # 7545				
CAPTION				
A Resolution of the City of Plano, Texas invoking the defense and indemnification provision of Section 2-10 of the City Code of Ordinances; authorizing the City Attorney to retain legal counsel to provide legal representation to the City or its City Council members and to provide legal services related to same as necessary; authorizing the City Manager or his designee to execute any necessary documents; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Invoking provisions within ordinances that are in the best interest of the City of Plano relates to the City's goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
A Resolution of the City of Plano, Texas invoking the defense and indemnification provision of Section 2-10 of the City Code of Ordinances; authorizing the City Attorney to retain legal counsel to provide legal representation to the City or its City Council members and to provide legal services related to same as necessary.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City of Plano, Texas invoking the defense and indemnification provision of Section 2-10 of the City Code of Ordinances; authorizing the City Attorney to retain legal counsel to provide legal representation to the City or its City Council members and to provide legal services related to same as necessary; authorizing the City Manager or his designee to execute any necessary documents; and providing an effective date.

WHEREAS, Section 2-10 of the City of Plano City Code of Ordinances provides for defense and indemnification of city officers and employees, including reasonable and necessary legal fees and expenses, for legal action related to acts arising out of their course and scope of employment that are performed in good faith; and

WHEREAS, the City Council hereby determines that faithful execution of legislative duties performed by City Council members in the course and scope of attending, discussing, and deliberating items on a City Council agenda in an open meeting in accordance with law is acting in good faith within the course and scope of employment, and is within the public duty of a City Council member; and

WHEREAS, actions of elected officials that are within the lawful scope of authority of City Council members on legislative issues, and which would satisfy the existing good faith standards under Texas law for official immunity, are clearly within the intended language of Section 2-10 of the City Code, and in the event of litigation based on such action, any said Council member is entitled to reasonable costs, fees and expenses including or related to legal fees for defense and indemnification relating to same; and

WHEREAS, the City Council determines that the defense and indemnification of such execution of legislative duties may entail either defending or initiating a legal action; and

WHEREAS, the City Council hereby determines that it is within the public interest that it authorize expenditure of public funds for reasonable and necessary legal expenses on behalf of the City or City Council members to defend or initiate legal action that will protect the legislative process, and provisions of the City Charter, to ensure independent, good faith performance of the duties of each City Council member in the course and scope of their office or employment, and within the public duty, unimpaired by the threat or risk of legal action as a result of performance of those duties; and

WHEREAS, the City Council finds it is in the best interest of the City to authorize the City Attorney to retain legal counsel to provide or arrange for legal representation of the City or members of the City Council based on such circumstances and the aforementioned basis.

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

Section I. The recitals set forth above are true and correct and are adopted herein as legislative fact findings, verbatim as if fully set forth at length.

Section II. The City Attorney or her authorized designee is hereby authorized to retain legal counsel to provide legal representation to the City or members of the City Council pursuant to the terms of City Code of Ordinances Section 2-10 in the aforementioned circumstances.

Section III. The City Manager or his authorized designee is hereby authorized to execute all necessary documents in connection therewith on behalf of the City of Plano.

Section IV. This Resolution shall become effective immediately after its passage.

DULY PASSED AND APPROVED this the 26th day of October, 2015.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY