

RESOLUTION NO. R-2009-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS EXPRESSING THE CITY COUNCIL'S SUPPORT FOR AND AGREEMENT TO PROVIDE A DEFENSE AND INDEMNIFICATION TO A CERTAIN EMPLOYEE WHO HAS BEEN SUED AS A RESULT OF ACTIONS TAKEN AS A CITY EMPLOYEE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Tyler Solid Waste Department and an individual employee have been sued in their individual and official capacities in a lawsuit entitled *Jorge Maldonado v. City of Tyler Solid Waste, Thomas Allen Clakley*; Cause No. 09-3086-A, 7th Judicial District Court; and

WHEREAS, the City's investigation of the events involved in this lawsuit and the evidence available at this time, show that this employee was acting in good faith and in the course and scope of his duties as a City employees; and

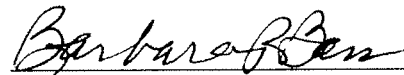
WHEREAS, it is in the public interest as well as this individual employee's interest for the City Council to officially state its support for him by providing a defense and agreeing to his indemnification, based upon all information and evidence available to day; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS AS FOLLOWS:

PART 1. That the City Council, based upon all evidence and information available to it at this time, hereby agrees to provide a defense and indemnity to Thomas Allen Clackley in the lawsuit styled *Jorge Maldonado v. City of Tyler Solid Waste, Thomas Allen Clakley*; Cause No. 09-3086-A, in the 7th Judicial District Court.

PART 2. That this Resolution shall take effect immediately upon its adoption.

ADOPTED this 9th day of December, 2009, A.D.



BARBARA BASS, MAYOR
CITY OF TYLER, TEXAS

ATTEST:


CITY CLERK



APPROVED:


CITY ATTORNEY