

**RESOLUTION NO. R-2018-1**

**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 IN ACCORDANCE WITH CITY CODE SECTION 2-62 TO CERTAIN EMPLOYEES WHO HAVE BEEN SUED AS A RESULT OF ACTIONS TAKEN AS CITY EMPLOYEES; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, certain employees and contract employees have been sued as a result of actions taken as City employees in a lawsuit entitled:

*BRENDA JOHNSON vs. THE CITY OF TYLER, TEXAS*, Cause No. 2:17-cv-116, United States District Court for the Eastern District of Texas, *alleging actions by Gary Swindle in his capacity as Key Leader for the Neighborhood Services Department of the City of Tyler,*; and

**WHEREAS**, the City's investigation of the events involved in this lawsuit and the evidence available at this time, show that these named employees were acting in good faith and acted appropriately in the course and scope of their duties as City of Tyler employees; and

**WHEREAS**, it is in the public interest as well as the individual employees' interest for the Tyler City Council to state officially its support for them by providing a defense and agreeing to their indemnification, based upon all information and evidence available to date;

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

**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 indemnification to GARY SWINDLE in the lawsuit styled *BRENDA JOHNSON vs. THE CITY OF TYLER, TEXAS*, Cause No. 2:17-cv-116, United States District Court for the Eastern District of Texas, **PROVIDED THAT** the requirements of Section 2-62. "Indemnification", of the Tyler City Code of Ordinances have been met; and

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

**PASSED AND APPROVED** on this 10<sup>th</sup> day of January, 2018, A.D.

  
\_\_\_\_\_  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
\_\_\_\_\_  
DEBORAH G. PULLUM,  
CITY ATTORNEY