

**RESOLUTION NO. R-2016-11**

**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 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 and/or contract employees in a lawsuit entitled:

*CARL OWENS, JR. and CONNIE OWENS vs. KOURT BEAU CHATELAIN, M.D., JAMIE CHATELAIN, THE CITY OF TYLER, TEXAS, GREGORY M. MORGAN, in his capacity as Director of Utilities and Public Works for the City of Tyler, and KEVIN HUKILL, in his capacity as Water Production and Water Quality Manager for the Tyler Water Utilities Division for the City of Tyler, Cause No. 65,094-A, County Court At Law No., Smith County, Texas; 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 indemnity to GREGORY M. MORGAN and KEVIN HUKILL, in the lawsuit styled:

*CARL OWENS, JR. and CONNIE OWENS vs. KOURT BEAU CHATELAIN, M.D., JAMIE CHATELAIN, THE CITY OF TYLER, TEXAS, GREGORY M. MORGAN, in his capacity as Director of Utilities and Public Works for the City of Tyler, and KEVIN HUKILL, in his capacity as Water Production and Water Quality Manager for the Tyler Water Utilities Division for the City of Tyler, Cause No. 65,094-A, County Court At Law No., Smith County, Texas.*

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

**PASSED AND APPROVED** on this 13<sup>th</sup> day of April, 2016, A.D.

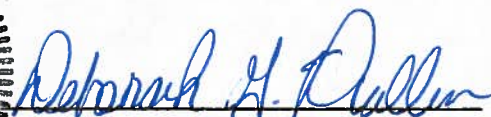
  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
DEBORAH G. PULLUM,  
CITY ATTORNEY