

RESOLUTION NO. 2008- 101 R

A resolution providing for legal representation in the defense of the prosecution of indicted official, employees and ex-employee; and declaring an effective date.

WHEREAS, the City of Victoria, Texas is a home rule city pursuant to Article 11, Section 5 of the Texas Constitution; and

WHEREAS, a home rule city may provide legal representation for an official, employee, or ex-employee or pay said persons' reasonable legal fees as they accrue if the political subdivision is authorized to do so either by statute or under the common law; and

WHEREAS, a home rule city has authority under common-law to provide legal representation for an official, employee, or ex-employee or pay said persons' reasonable legal fees as they accrue; and

WHEREAS, providing legal representation for an official, employee, or ex-employee or paying said persons' reasonable legal fees as they accrue serves a public interest in that it allows public officials and employees to conduct their official duties without fear of having to pay to defend themselves from criminal allegations because of the performance of their official duties; and

WHEREAS, providing legal representation for an official, employee, or ex-employee or paying said persons' reasonable legal fees as they accrue serves a public interest in that it allows the City to attract and hire qualified persons who otherwise would not go into public service for fear of having to pay to defend themselves from criminal allegations because of the performance of their official duties; and

WHEREAS, Mayor Will Armstrong, Police Chief Bruce Ure, Police Lieutenant Ralph Buentello, and ex-City Attorney David A. Smith are being prosecuted for actions taken while employed by the City of Victoria, Texas.

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

1.

That the recitals set forth in the preamble of this resolution are hereby found to be true and correct and are incorporated herein for all purposes.

2.

That the City Council finds and determines that providing legal representation for Mayor Will Armstrong, Police Chief Bruce Ure, Police Lieutenant Ralph Buentello, and ex-City Attorney David A. Smith or paying their reasonable legal fees as they accrue serves a public interest.

3.

That the City Council finds and determines that the acts resulting in the currently pending criminal indictments against Mayor Will Armstrong, Police Chief Bruce Ure, Police Lieutenant Ralph Buentello, and ex-City Attorney David A. Smith were committed in good faith and within the course and scope of their official duties.

4.

That the City Attorney is hereby authorized to negotiate and execute agreements with attorneys chosen by the indictees to provide legal representation for Mayor Will Armstrong, Police Chief Bruce Ure, Police Lieutenant Ralph Buentello, and ex-City Attorney David A. Smith and to pay their reasonable legal fees as they accrue up to a maximum of **\$50,000** per indictee in the defense of the prosecution for the criminal offenses alleged in the indictments, including subsequent indictments, which may allege the same, fewer, or lesser-included offenses. **If legal proceedings are terminated against any of the aforementioned indictees prior to expending the aforementioned maximum amount per indictee, then the unexpended amount for said indictee may be used to pay for the legal fees of the remaining indictees in a manner approved by the Director of Finance.**

PASSED, this 17th day of June, 2008.

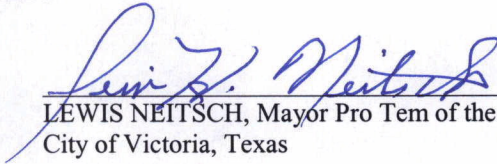
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NAYS: 1

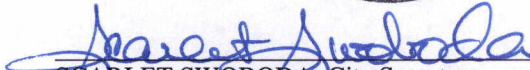
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 17th day of June, 2008.

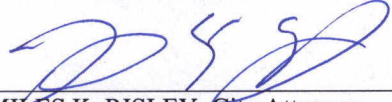



LEWIS NEITSCH, Mayor Pro Tem of the
City of Victoria, Texas

ATTEST:


SCARLET SWOBODA, City Secretary

APPROVED AS TO LEGAL FORM:


MILES K. RISLEY, City Attorney

Distribution: Legal Department
City Manager

Copies Sent: JULY 2, 2008