

ATTACHMENT C

RESOLUTION NO. 21-1013

A RESOLUTION INDEMNIFYING J. MICHAEL WILKES FOR PERSONAL LIABILITY WHICH MAY OCCUR AS A RESULT OF THE PERFORMANCE OF OFFICIAL DUTIES WITHIN THE SCOPE OF HIS OFFICE RELATED TO EVENTS LEADING TO AND SURROUNDING THE CASE OF *CEDAR CREEK DEVELOPMENT COMPANY, LLC; 30TH PLAT OF CEDAR CREEK, LLC; CCV (TRACT 3), LLC; CCV (TRACT 13D), LLC; CCV (TRACT 13E), LLC V. CITY OF OLATHE, ET AL.*, CASE NO. 21CV00234, IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS.

WHEREAS, K.S.A. 75-6116 provides that if an employee of a governmental body is, or could be subject to personal civil liability based upon actions which were within the scope of the employee's position, and which allegedly violate the civil rights laws of the United States or the State of Kansas, the governmental body shall provide a defense and pay any judgment or settlement of the claim or suit so long as the employee's act or omission giving rise to the action or proceeding was not the result of actual fraud or actual malice; and

WHEREAS, it is the opinion of the Governing Body of the City of Olathe, Kansas, that it is of public utility and necessity that a defense and indemnification for damages be provided for City Manager J. Michael Wilkes.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: That City Manager J. Michael Wilkes be provided a defense and be indemnified for any judgment that may be entered against him by a reason of any claim stated in the above referenced lawsuit, so long as the City Manager reasonably cooperates in good faith in the defense and the judgment reflects that the City Manager was acting in the scope of his office and acting without actual fraud or actual malice.

SECTION TWO: This Resolution shall take effect immediately.

ADOPTED by the Governing Body this _____ day of _____, 2021.

SIGNED by the Mayor this _____ day of _____, 2021.

Mayor

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ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney