



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 6/16/2020

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**DEPARTMENT:** Legal

**STAFF CONTACT:** Ron Shaver / Chris Grunewald

**SUBJECT:** Resolution No. 20-1044 authorizing indemnification and defense for the City Manager in the matter of *Denise Hammond and Chris Hammond v. Michael Wilkes, et al.*

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**ITEM DESCRIPTION:**

Consideration of Resolution No. 20-1044 authorizing indemnification and defense for the City Manager in the matter of *Denise Hammond and Chris Hammond v. Michael Wilkes, et al.*

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**SUMMARY:**

Plaintiffs are homeowners who voluntarily participated in a City of Olathe stormwater improvement project. They filed a civil action in Johnson County District Court against the City Manager J. Michael Wilkes, the City of Olathe, and Pyramid Contractors, Inc. (the City's stormwater project contractor) regarding the City's stormwater project.

K.S.A. 75-6116 (Attachment A) requires cities to defend and indemnify officers and employees from personal liability in lawsuits based on actions which were within the scope of the duties of an officer's or employee's position with the City.

Section 3.60.130 of the Olathe Municipal Code (Attachment B) designates the City Manager to determine the eligibility of a current or former employee for indemnification and defense.

Historically, in situations where a lawsuit has included the City Manager as a defendant, the City Council has adopted a resolution authorizing the City Manager's indemnification and defense. For the current lawsuit, Staff recommends that City Council adopt the proposed resolution authorizing the indemnification and defense of the City Manager (Attachment C).

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**FINANCIAL IMPACT:**

The cost of defense of the lawsuit is being covered under the City's insurance policy.

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**ACTION NEEDED:**

Approval Resolution No. 20-1044 authorizing indemnification and defense for the City Manager in the matter of *Denise Hammond and Chris Hammond v. Michael Wilkes et al.*

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**ATTACHMENT(S):**

A: K.S.A. 75-6116

B: OMC 3.60.130

C: Resolution 20-1044 Authorizing Indemnification and Defense