

RESOLUTION NO. 2020-R-5

A RESOLUTION AUTHORIZING REPRESENTATION OF FORMER MAYOR OF CHARLESTOWN IN LAWSUIT AND WAIVING POTENTIAL CONFLICT OF INTEREST FOR COMMON COUNCIL ATTORNEY

WHEREAS, on or about January 30, 2020, Tammy Abbott and Jerry Abbott filed a lawsuit against the City of Charlestown, Indiana, Charlestown City Council, G. Robert Hall, and M. Anthony Jackson in the Clark Circuit Court No. 2, which was assigned Case No. 10C02-2001-CT-000016 (the "*Abbott Lawsuit*"); and,

WHEREAS, the Common Council of the City of Charlestown, Indiana (the "Common Council") is entitled under Ind. § 36-4-6-24 to hire or contract with attorneys on the terms that it considers appropriate; and,

WHEREAS, G. Robert Hall ("Hall") is the former Mayor of Charlestown, Indiana and was named as a party in the *Abbott Lawsuit* due to serving as the Mayor of Charlestown, Indiana when the alleged actions giving rise to the *Abbott Lawsuit* occurred; and,

WHEREAS, Ind. §§ 34-13-3-5 and 34-13-4-1 authorizes governmental entities to provide counsel for and pay all defense costs incurred by a current or former employee in defense of a claim or suit because of alleged acts or omissions that were within the scope of the employee or former employee's employment; and,

WHEREAS, the Common Council finds it desirable to have its counsel defend both the Common Council and Hall in the *Abbott Lawsuit*.

THEREFORE, IT IS HEREBY RESOLVED by the Common Council of the City of Charlestown, Indiana that the Common Council hereby authorizes its Michael A. Gillenwater to represent the Common Council as well as G. Robert Hall in Case No. 10C02-2001-CT-016 and hereby waives any potential conflict of interest for its counsel if its counsel chooses to represent one or both parties concurrently.

IT IS FURTHER RESOLVED that the President Pro Tempore of the Common Council, Brian Hester, is hereby authorized to execute any documents necessary to authorize representation and waive any potential conflicts of interest in the above-referenced case.

ALL OF WHICH IS RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN ON THIS 4th DAY OF May, 2020.

Voted in Favor

Voted Against

[Signature]
Brian Hester

Brian Hester

[Signature]
Bo Bertram

Bo Bertram

[Signature]
Ruthie Jackson

Ruthie Jackson

[Signature]
B.J. Steele

B.J. Steele

[Signature]
J.T. Cox

J.T. Cox

Mayor vetoed she did not sign.

The foregoing Resolution was presented to the Mayor of the City of Charlestown, Indiana on this 4th day of May, 2020 at 6:30 o'clock P.M.

[Signature]
Donna Coomer, Clerk

This Resolution Authorizing Representation of Former Mayor of Charlestown in Lawsuit and Waiving Potential Conflict of Interest for Common Council Attorney is approved by me on this 4th day of May, 2020 at 6:30 o'clock P. M.

VETOED

Treva Hodges, Mayor
City of Charlestown, Indiana

ATTEST:

[Signature]
Donna Coomer, City Clerk/Treasurer

5-4-2020
Date