

ORDINANCE NO. 2004-101

**AMENDING SECTION 165.16 LEGAL DEFENSE EXPENSES OF THE
CITY OF MASON CODIFIED ORDINANCES AND DECLARING AN
EMERGENCY**

WHEREAS, Section 165.16 of the City of Mason Codified Ordinances provides that the City shall provide for the defense of City employees and officials who are sued or charged with a crime while lawfully performing their duties and acting within the scope of their employment; and

WHEREAS, it is the intent of Council to clarify that the Law Director's office shall certify to the City Manager that any employees or officials who are sued or charged with a crime were actually lawfully performing their duties and acting within the scope of their employment ; and

WHEREAS, it is the further intent of Council to limit such payment of expenses to misdemeanor charges .

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, six members elected thereto concurring:

Section 1. That Section 165.16 of the City of Mason Codified Ordinances is hereby amended to read as follows:

“The City shall provide for the defense of City employees and officials who are sued while lawfully performing their duties and acting within the scope of their employment. Furthermore, the city manager, upon recommendation of the appropriate department head, may reimburse an employee prosecuted for any misdemeanor charge in the criminal division of any Warren County court upon a private warrant based on actions of the employee, judged by the city manager, and certified by the law director, to be in the proper performance of official duties, for expenses incurred in obtaining legal counsel, but only in those cases which, in the opinion of the city manager reasonably required the employment of defense counsel and in such cases, only to the extent of the reasonable value of the legal services rendered as certified by the city law director.


Section 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 26th day of July, 2004.



Mayor

Attest:



Clerk of Council