

RESOLUTION NO. 1269

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO DEFEND RODNEY GARNER IN THE CIVIL ACTION *ELLSWORTH VS. THE CITY OF BROKEN ARROW ET AL*, CASE NO. 19-CV-34-TCK-FHM IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

WHEREAS, on August 26, 2019 Amanda Ellsworth and Braeden Walling filed an a Second Amended Complaint against Defendants, City of Broken Arrow, Rodney Garner, and Joshua Zoller, for claims of unlawful seizure, false arrest, use of excessive force and assault and battery; and

WHEREAS, Officer Garner has complied with the provisions of 11 O.S. § 23-102 and requested that the City of Broken Arrow defend him in this matter; and

WHEREAS, Officer Garner was acting in good faith and in the course of his employment with the City of Broken Arrow; and

WHEREAS, 11 O.S. § 23-101 *et seq.* provides for the defense of such municipal employees.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, that the City Attorney is hereby directed to appear and defend Officer Garner in the matter of *Ellsworth vs. City of Broken Arrow et al*, case no. 19-CV-34-TCK-FHM in the United States District Court for the Northern District of Oklahoma.

This Resolution is approved and passed in open meeting by the City Council of the City of Broken Arrow on this 1st day of October, 2019.

ATTEST:

Mayor

(SEAL) City Clerk

APPROVED:

City Attorney