



**City of Clarksburg
Meeting Agenda
August 24, 2023 – Council Meeting – 7:30pm**

Agenda for the **special** meeting of Council in the City of Clarksburg to be held Thursday, August 24, 2023, in the Clarksburg Municipal building – Council Chambers, 222 W. Main Street, Clarksburg, West Virginia at 7:30 pm.

Order of Business

- 1) Roll Call

- 2) Consideration of a **Resolution to Authorize the City Manager to Expend City Funds to Indemnify Past Members of Council regarding an Ethics Commission Hearing Including, But Not Limited to Legal Fees and Costs Pursuant to West Virginia Code § 8-12-7(b) and Article 163 of the Codified Ordinances of the City of Clarksburg**

- 3) Adjournment

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXPEND CITY FUNDS TO INDEMNIFY PAST MEMBERS OF COUNCIL REGARDING AN ETHICS COMMISSION HEARING INCLUDING, BUT NOT LIMITED TO, LEGAL FEES AND COSTS PURSUANT TO WEST VIRGINIA CODE § 8-12-7(b) AND ARTICLE 163 OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG

WHEREAS, Section 163.02 of the City of Clarksburg Codified Ordinances requires that the City indemnify all of its elected officers against any and all legal liability growing out of or in any way connected with, any acts or omissions of the City, or its officers, agents or employees while acting within the scope of their official duties; and

WHEREAS, former councilmembers Gary Keith, Lillie Junkins, and James Marino have been accused of violations of the West Virginia Ethics Act in association with certain votes taken by Council; and

WHEREAS, such alleged violations are civil, not criminal, in nature and do not fall within the exclusions set forth in Section 163.05 of the City of Clarksburg Codified Ordinances; and

WHEREAS, based upon the mandatory nature of Section 163 of the City of Clarksburg Codified Ordinances, the former councilmembers shall be provided a defense and indemnification against such allegations.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be and is hereby authorized to expend City funds to indemnify the previous members of council who are accused of violations of the West Virginia Ethics Act from all costs and expenses arising from or as a result of the said violations, but not limited to, legal fees, expenses and costs, as set forth in Article 163 of the said codified ordinances.

PASSED by Council of the City of Clarksburg this 7th day of September, 2023.

Mayor James L. Malfregeot

ATTEST:

ANNETTE M. WRIGHT
CITY CLERK

APPROVED AS TO FORM

RICHARD R. MARSH
CITY ATTORNEY