

**TAYLORSVILLE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**MEETING DATE:** November 14, 2012

**AGENDA ITEM:** Ordinance No. 12-31 – An Ordinance of the Taylorsville City Council Approving Requests for Indemnification and Legal Representation Stemming from a Confidential Investigation Regarding Official Acts Taken by Judge Michael Kwan

**PUBLIC HEARING REQUIRED – YES** \_\_\_\_\_ **NO** **X** \_\_\_\_\_

**RESOLUTION/ORDINANCE REQUIRED**

**ORDINANCE** **X** **RESOLUTION** \_\_\_\_\_ **NONE** \_\_\_\_\_

**PRESENTER:** John Brems

**ISSUE SUMMARY:** Consideration of Ordinance 12-31 - An Ordinance of the Taylorsville City Council Approving Requests for Indemnification and Legal Representation Stemming from a Confidential Investigation Regarding Official Acts Taken by Judge Michael Kwan

**STAFF RECOMMENDATION:** Consider Ordinance 12-31

**CITY ATTORNEY (Approved as to form):**

**ACTION REQUIRED:** Consider Adoption of Ordinance 12-31

**ATTACHMENTS:** Ordinance 12-31  
Request for Indemnification from Michael Kwan

**TAYLORSVILLE, UTAH**  
**ORDINANCE NO. 12-31**

**AN ORDINANCE OF THE TAYLORSVILLE CITY COUNCIL APPROVING  
REQUESTS FOR INDEMNIFICATION AND LEGAL REPRESENTATION  
STEMMING FROM A CONFIDENTIAL INVESTIGATION REGARDING OFFICIAL  
ACTS TAKEN BY JUDGE MICHAEL KWAN**

**WHEREAS**, the Taylorsville City Council (the "Council") met in regular session on November 14, 2012, to consider, among other things, approving requests for indemnification and legal representation stemming from a confidential investigation regarding official acts taken by Judge Michael Kwan; and,

**WHEREAS**, Judge Michael Kwan has provided to the City of Taylorsville ("Taylorsville") a notice, dated October 10, 2012, regarding a confidential investigation; and

**WHEREAS**, on or about October 17, 2012, Judge Michael Kwan filed a Request for Indemnification as required by Utah Code Ann. § 63G-7-902; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Taylorsville to defend and indemnify Judge Michael Kwan as referenced in the attached Requests for Indemnification.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that Taylorsville hereby agrees to indemnify and provide legal representation to Judge Michael Kwan stemming from a confidential investigation regarding official acts taken by Judge Michael Kwan.

This Ordinance, assigned Ordinance No. 12-31, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**TAYLORSVILLE CITY COUNCIL**

By: \_\_\_\_\_  
Jerry Rechtenbach, Chairman

**VOTING:**

Kristie Oversen

Yea \_\_\_ Nay \_\_\_

Larry Johnson

Yea \_\_\_ Nay \_\_\_

Dana Barbour

Yea \_\_\_ Nay \_\_\_

Ernest Burgess

Yea \_\_\_ Nay \_\_\_

Jerry Rechtenbach

Yea \_\_\_ Nay \_\_\_

**PRESENTED** to Mayor of Taylorsville for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**Russ Wall, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Cheryl Peacock Cottle, Recorder**

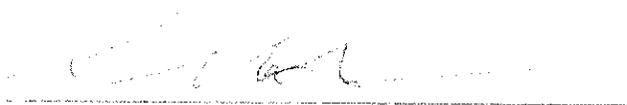
**DEPOSITED** in the Recorder's office this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**POSTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

## Request for Indemnification

Pursuant to UTAH CODE ANN. § 63-30d-902, request is hereby made to the City of Taylorsville to defend and indemnify Michael Kwan against judgments, compromise, or settlement of claim as a result of claims made against Michael Kwan for the acts or conduct more fully set forth in that certain action entitled Investigation by Judicial Conduct Commission Case No. 13 BTL-014. If the City of Taylorsville decides not to defend Michael Kwan, please advise me. as set forth in Utah Code Ann § 63-30d-902.

DATED this 17th day of October, 2012.



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Michael Kwan

**RECEIVED**

**City of Taylorsville**  
Recorder's Office