

1.4.301: CRIMINAL ACTIONS:

A. ~~Defense Provided:~~ Whenever a criminal action has been brought against any City employee **for any act or omission arising out of and in the course and scope of the employee's duties**, including ~~Municipal employees and~~ employees of Colorado Springs Utilities and **the municipal MHS Enterprises**, or the employee has been involved in an incident which is being investigated by a law enforcement agency with a view toward the filing of criminal charges or the submission of the facts surrounding the incident to a grand jury for review, ~~and the employee requests in writing without delay that the~~ **employee's cost of defense, including and/or fine, reasonable counsel fees, and/or expenses, for the employee shall be borne by the employee** ~~City, that cost, including reasonable counsel fees and expenses, shall be borne by the City if the City Council first finds and determines that:~~

- ~~—1. The act or omission arose out of and in the course of the employee's duties;~~
- ~~—2. The employee was acting in good faith and without malice; and~~
- ~~—3. The cost of defending the employee serves the interest of the City.~~

~~B. Committee Investigation: To assist the City Council in making this finding and determination, a committee consisting of the City Attorney, the Risk Manager and the head of the employee's department, division, office, enterprise or agency (or the Mayor or the Chief Executive Officer of Utilities, as appropriate if the employee charged is a department, division, office, enterprise or agency Director or Manager) shall investigate the criminal charge and shall make a recommendation to the City Council whether the above criteria for paying the costs of defending the employee are met.~~

~~C. Conviction; Recovery Of Costs: If the criminal action results in a final conviction, no costs shall be paid by the City and any costs advanced to the employee shall be repaid to the City. City Council may pay the costs of defense and/or fine where the City Council finds that the employee met the criteria in subsection A of this section. (Ord. 11-18; Ord. 15-62; Ord. 18-41)~~