Chapter 1.10 Indemnification of Officials and Employees

Sections:

1.10.010 Indemnification from personal liability.
1.10.020 Period of indemnification and persons covered.
1.10.030 Exclusions.

1.10.010 Indemnification from personal liability. The City shall indemnify and hold harmless from personal liability for damages and penalties all elected and appointed officials and employees of the City, including members of boards and commissions, who, at the time of the alleged acts or omissions giving rise to the alleged liability were acting in performance of duties within the course and scope of their employment or official capacity. The City shall also defend any such official or employee provided the City shall retain the right to select counsel for the purpose of such defense. The official or employee may select his own counsel at his own expense. (Ord. 89-28 §1, 1989; Ord. 87-26 §1(part), 1987).

1.10.020 Period of indemnification and persons covered. The period of indemnification shall include incidents which arise during the entire period within which any elected or appointed official or employee shall have been serving in an official capacity for or employed by the City. This period shall include lawsuits filed prior to the date of the passage of the ordinance codified in this chapter, as well as those filed subsequent to its passage, and shall further apply to those named as defendants who may no longer be officials of or employed by the City, so long as they were serving in such capacity at the time of the alleged act or omission. (Ord. 87-26 §1(part), 1987).

1.10.030 Exclusions. a. The hold harmless, indemnity and defense provisions of this chapter shall not apply to:
1. Criminal charges against an individual; or,
2. Lawsuits, claims or actions of any kind against an individual brought by or at the request of the City, including without limitation, disciplinary proceedings.
b. The hold harmless and indemnity provisions of this chapter shall not apply to any of the following unless specifically approved by the City Council:
1. Punitive damage award;
2. Damages resulting from acts or omissions done maliciously or with willful intent to cause harm;
3. Damages resulting from bad faith conduct of an individual; or,
4. Damages resulting from acts or omissions done outside the course and scope of the individual's employment or official capacity. (Ord. 89-28 §2, 1989; Ord. 87-26 §1(part), 1987). (Homer 10/90)

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