

CITY OF HOMER, ALASKA  
ORDINANCE NO. 89-28

AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF HOMER, ALASKA,  
AMENDING CHAPTER 1.10, INDEMNIFICATION  
OF OFFICIALS AND EMPLOYEES

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HOMER,  
ALASKA, HEREBY ORDAINS that :

Section 1. Section 1.10.010, Indemnification from personal liability, of the Homer City Code is hereby amended to read as follows:

1.10.010 Indemnification from personal liability. The city shall indemnify~~s~~ and hold~~s~~ 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 they have been named as defendants in any lawsuit were acting in good faith in performance of duties within the course and scope of their employment or official capacity. and in the course and furtherance of city business // such indemnification shall include the costs of defending 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.

Section 2. Section 1.10.030, Exclusions, of the Homer City Code is hereby amended to read as follows:

1.10.030 Exclusions. Persons acting in bad faith or outside the regular scope of city business or who are charged with a criminal offense are specifically excluded from

indemnification/under this chapter///(a) The hold harmless, indemnity and defense provisions of this chapter shall not apply to:

(1) criminal charges against an individual,

(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 awards;

(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.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER,  
ALASKA, this 8<sup>th</sup> day of January, 1990.

THE CITY OF HOMER, ALASKA

John P. Calhoun  
JOHN P. CALHOUN, MAYOR

AYES: 4  
NOES: 0  
ABSENT: 2  
ABSTAIN: 0

ATTEST:

Patti J. Whelan  
Patti J. Whelan, CMC  
City Clerk

(City Seal)

First Reading: 11/27/89  
Public Hearing: 12/11/89  
Second Reading: 1/8/90  
Effective Date: 1/9/90

Reviewed and approved as to form and content:

Phil Shealy  
Phil C. Shealy, City Manager  
Date: 1/9/90

Gordon J Tans, Perkins Coie  
Date: \_\_\_\_\_