

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 875

AN ORDINANCE CREATING A RIGHT OF SUBROGATION IN THE TOWN OF ST. JOHN WHERE BENEFITS ARE PAID BY THE TOWN OF ST. JOHN TO ITS EMPLOYEE EITHER BY WAY OF COMPENSATION, OR OTHERWISE.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has passed and adopted a Personnel Policy Ordinance; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana has amended said Ordinance from time to time and has removed the Police Department and its members and employees from the purview of the same; and

WHEREAS, the Police Department of the Town of St. John, Lake County, Indiana, under the auspices of the Metropolitan Board of Police Commissioners or the "Police Commission" has developed its own set of Rules and Regulations; and

WHEREAS, it has come to the attention of the Town Council of the Town of St. John, Lake County, Indiana, that the Town has no formal policy regarding subrogation or right of subrogation against a wrongdoer who is liable to any of its employees, in the event the employee is injured by said third-party while working for the Town of St. John; and

WHEREAS, it is the desire of the Town Council of the Town of St. John, Lake County, Indiana, that it should have rights of subrogation where it continues to pay benefits by way of compensation or otherwise to an employee of the Town of St. John, when a third-party wrongdoer may be liable over to said employee for said injuries, and therefore, in such instances, the Town of St. John should have the right of subrogation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: That the Town of St. John shall have a right of subrogation against any and all wrongdoers who injure or harm Employees of the Town while they are on the job. This declared right of Subrogation shall be for any Employee of the Town, including Members and Employees of all Departments of the Town.

SECTION TWO: That in the event an action is brought by a Town employee against some other person who has a legal liability to pay damages due to the Employee's injuries, then in such event, if the Employee or his dependents obtain a judgment and are paid and/or effect a settlement made with the third-party wrongdoer, either with or without suit, then from the amount received by the employee

or dependents, there shall be paid to the Town of St. John, subject to its paying its pro-rata share of the reasonable and necessary costs and expenses of asserting the third-party claim, the amount of benefits paid to the employee or dependents by the Town of St. John, by way of compensation, plus the medical, surgical, hospital, and nurses' services and supplies, paid by the Town.

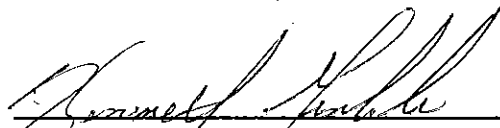
SECTION THREE: That the Personnel Policy Ordinance of the Town, as amended from time to time, and the Police Department Rules and Regulations, as amended from time to time, shall remain in full force and effect to the extent that they are not in conflict with the provisions of this Ordinance.

SECTION FOUR: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

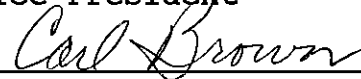
SECTION FIVE: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION SIX: That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 8 DAY OF June, 1992.

  
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KENNETH D. GEMBALA,  
President

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DOUGLAS E. PATTERSON,  
Vice-President

  
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CARL BROWN,  
Member

ATTEST:

  
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JUDITH L. COMPANIK,  
Clerk-Treasurer