

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 892

AN ORDINANCE PROVIDING FOR DEFENSE AND INDEMNITY TO ELECTED PUBLIC OFFICIALS OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the circumstances pertaining to indemnification and defense of Elected Town Public Officials acting within the scope of his or her authority; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that it would be proper and appropriate for the Town of St. John to defend and indemnify Elected Public Officials of the Town acting within the scope of his or her authority.

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

SECTION ONE:

This Ordinance shall apply to and inure to the benefit of Elected Public Officials of the Town of St. John, hereafter "TOWN".

SECTION TWO:

This Ordinance shall be supplemental and additional to all present and future Laws of the State of Indiana and Ordinances of the TOWN which deal with the liability of Elected TOWN Public Officials, and the defense of said Elected Persons.

SECTION THREE:

Unless otherwise prohibited by Law, and upon his or her request, the TOWN shall defend an Elected TOWN Public Official, both present and former, who is, or could be, subject to personal civil liability for a loss occurring because of a non-criminal act or omission committed within the scope of his or her Official acts of authority, including any alleged violation of Civil Rights of the United States and State of Indiana.

SECTION FOUR:

The Town Attorney shall defend a present or former Elected TOWN Public Official against a claim or suit described in this Ordinance. In the event the Town Attorney would or might have a conflict of interest in doing so, the Town Attorney, with the advice and direction of the Town Council, shall designate other Counsel for the defense of said Elected TOWN Public Official.

SECTION FIVE:

Unless otherwise prohibited by Law, or unless the TOWN determines that the Elected TOWN Public Official acted in bad faith, the TOWN shall pay the judgment, compromise or settlement arising out of the case of a claim or suit against such an Elected TOWN Public Official.

SECTION SIX:

The right to compromise or settle the case of a claim or suit against an Elected TOWN Public Official is retained and reserved exclusively by the TOWN. In the event that the Elected TOWN Public Official will not join in a compromise or settlement which would hold the elected TOWN Public Official harmless from any liability arising out of said claim or suit, the TOWN shall be entitled to withdraw its defense for the Elected TOWN Public Official and shall not be obligated to pay any subsequent judgment, compromise or settlement on behalf of said Elected TOWN Public Official. The Elected TOWN Public Official for whom the TOWN has undertaken a defense shall be required to cooperate in all respects with the actions of the TOWN to defend and indemnify that Elected TOWN Public Official. In the event that an Elected TOWN Public Official for whom the TOWN has undertaken a defense and provided indemnification fails or refuses to cooperate in any respect with the defense and indemnification activities of the TOWN, then the TOWN shall be entitled to withdraw its defense for the Elected TOWN Public Official, and shall not be obligated to pay any subsequent judgment, compromise or settlement on behalf of said Elected TOWN Public Official.

SECTION SEVEN:

Nothing herein shall constitute or be construed as a waiver of any right or defense of the TOWN or its Elected Public Officials, nor shall it constitute a consent to be sued.

SECTION EIGHT:

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 NINE:

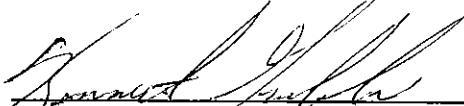
If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION TEN:

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.

TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL



Kenneth D. Gembala,
President

Douglas E. Patterson,
Vice-President



Carl Brown,
Member

ATTEST:



JUDITH L. COMPANIK,
Clerk-Treasurer