



CITY OF BETHEL

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Introduced by: City Manager Hunter
Date: November 8, 1994
Public Hearing: November 22, 1994
Action: Passed
Vote: 6-Yes, 0-No

ORDINANCE #94-26

AN ORDINANCE AMENDING TITLE 2 OF THE BETHEL MUNICIPAL CODE BY ADOPTING A NEW CHAPTER 2.48 PROVIDING FOR INDEMNIFICATION OF CITY EMPLOYEES AND OFFICIALS AGAINST CLAIMS

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, AS FOLLOWS:

Section 1. This is a code ordinance.

Section 2. Title 2 of the Bethel Municipal Code is hereby amended by adopting a new section 2.48 to read as follows:

CHAPTER 2.48

INDEMNIFICATION OF CITY EMPLOYEES AND OFFICIALS AGAINST CLAIMS

2.48.010 Indemnification Authorized. An employee or official of the City, against whom a claim is made or a proceeding threatened or brought by reason of being or having been an employee or official of the City, may be indemnified against:

- and
- (1) Reasonable expenses incurred in defending against the claim including legal fees
 - (2) Liabilities imposed on the official or employee by reason of the claim, including any amount paid in settlement in order to satisfy a judgement or order.

2.48.020 When Indemnification is Proper.

- (a) No employee or official may be indemnified unless it is determined that the employee or official either:
 1. Acted in a matter which is related to their employment;
 2. Acted in discharge of a duty imposed or authorized by law; and
 3. Acted in good faith and had no reasonable cause to believe that the conduct on which the claim was based is unlawful.
- (b) The determination described in subsection (a) shall be made by the City Council.

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(c) No member of the City Council shall vote on any matter pertaining to their own indemnification. If this provision prevents the formation of a quorum on this issue, the determination described in subsection (a) shall be made by the City Manager or his or her designee.

2.48.030 Indemnification Not Permitted.

(a) No indemnification shall be permitted:

1. For reasonable legal expenses of defense where the City Attorney or any City insurance policy provides a defense;
2. For liability imposed where the City insurance policy provides for payment or indemnification of any liability imposed against the employee or official without subrogation against the employee; or
3. Where the City makes a claim or brings proceedings against the employee or official.

(b) Where a claim is brought against an employee or official, and the employee or official requests the City to provide independent legal counsel pending the prosecution of the claim or proceeding, the City shall provide independent legal counsel if, in the judgement of the City Council, there exists an actual conflict of interest between the City's position and that of the employee or official.

Section 3. This ordinance shall take effect upon passage and shall apply to any claim asserted but not resolved at the time of adoption.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 1994.


Allan Wintersteen, Mayor

ATTEST:


Connie Tucker, City Clerk