

ORDINANCE NO. 373-1982

AN ORDINANCE OF THE CITY OF DRY RIDGE PROVIDING FOR INDEMNIFICATION BY THE CITY OF DRY RIDGE OF THE MAYOR, MEMBERS OF COUNCIL, OFFICERS, EMPLOYEES AND THOSE FURNISHING VOLUNTEER SERVICES UNDER AN ORGANIZED PROGRAM OR ACTIVITY OF THE CITY OF DRY RIDGE FOR EXPENSES, DAMAGES, CLAIMS, FINES, JUDGEMENTS OR COSTS INCURRED AS A CONSEQUENCE OF LAW SUITS OR CLAIMS FILED OR THREATENED BY BY REASON OF ACTS OR OMISSIONS CLAIMED TO ARISE OUT OF AN ACT OR DUTY IN THE NAME OF OR ON BEHALF OF THE CITY OF DRY RIDGE OR OF RELATED INDEPENDENT AGENCIES.

BE IT ORDAINED BY THE CITY OF DRY RIDGE:

ARTICLE I

The City of Dry Ridge may indemnify anyone who was or is a party, or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding whether civil, criminal, administrative, or investigative (other than an action by or in the right of the City of Dry Ridge or one of its agencies, boards or independent authorities) by reason of the fact that he or she is or was an officer, employee or agent of the City of Dry Ridge or is or was serving at the request of the City of Dry Ridge as a director, member of a board, or another independent agency, against expense (including attorney's fees) judgements, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interest of the City of dry Ridge, and with respect to any criminal action or proceeding had no reasonable cause to believe his or her

conduct was unlawful. The termination of any action, suit or proceeding by judgement, order, settlement, conviction, or upon a plea of no contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interest of the City of Dry Ridge, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

ARTICLE II

The City of Dry Ridge may indemnify any person who was or is a party or is threatened to be made a party to any threatened, ~~pending or completed action or suit by or in the right of the City~~ of Dry Ridge to procure a judgement in its favor by reason of the fact he or she is or was an officer, employee or agent of the City of Dry Ridge, or is or was serving at the request of the City of Dry Ridge as a director, member of a board of another independent agency against expenses (including attorney's fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interest of the City of Dry Ridge and except that no indemnification shall be made in respect to any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the City of Dry Ridge unless and only to the extent that the Court or administrative tribunal in which such action or suit was brought shall determine upon application, that despite

the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses as such Court shall deem proper.

ARTICLE III

To the extent that an officer, agent or employee of the City of Dry Ridge has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Article I and II hereof or in defense of any claim, issue, or matter therein he or she shall be indemnified against the expenses (including attorney's fees) actual and reasonable incurred by him in connection therewith.

ARTICLE IV

Any indemnification under Articles I and II hereof (unless ordered by a Court as provided in Article II hereof) shall be made by the City of Dry Ridge only as authorized in the specific case upon a determination that indemnification of the officer, agent or employee is proper in the circumstances because he or she has met the applicable standard of conduct set forth in Articles I or II hereof. Such determination shall be made:

(a) By the City Council of the City of Dry Ridge by a majority vote of a quorum consisting of duly elected and serving members of council who were not parties to such action, suit, proceedings, or investigation; or,

(b) By a Court of equity jurisdiction in an action brought pursuant to the Declaratory Judgment Act of this state by any such officer or employee or citizen of the City of Dry Ridge.

her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the City of Dry Ridge would have the power to indemnify him or her against such liability under the provisions of this ordinance.

ARTICLE VIII

As used in this ordinance unless the context requires otherwise:

1. Action includes all proceedings in courts of this state, courts of sister states and federal courts.

2. Employee or agent shall include all persons subject to administrative control of officers of the City of Dry Ridge or any of them in their official capacity and shall also include all auxiliary police, volunteer fire fighters as shown by the official rolls of the Dry Ridge Volunteer Fire Department while actively engaged as such, and all members of other volunteer groups performing services for the City of Dry Ridge while actively engaged in activities authorized by ordinance, municipal order, executive order or resolution of council on behalf of the City of Dry Ridge.

3. Independent agency shall include all of those agencies, performing governmental or quasi-governmental functions, to which the City of Dry Ridge is required by law, regulations, ordinance or contract to appoint one or more of the members having a right to vote on the actions to be taken by such agency and those agencies created by or on behalf of the City of Dry Ridge to carry out an activity or render a service to the City of Dry Ridge, including but not limited to:

- (a) Planning and Zoning Commission of Grant County;
- (b) Board of Adjustment of the City of Dry Ridge;
- (c) Housing Authority of Dry Ridge.

4. May is permissive.

5. Officer shall include the mayor, all members of the council and all other elected or appointed officers of the City of Dry Ridge.

6. Shall is mandatory.

7. A word importing the singular number only may extend and be applied to several persons, things or acts as well as one person thing or act and a word importing the plural number only may extend and be applied to one person thing, or act as well as to several persons, things or acts.

8. A word importing the masculine gender only may extend to and be applied to females as well as males.

ARTICLE IX

This ordinance shall be effective only as to claims made on or after the effective date of this Ordinance.

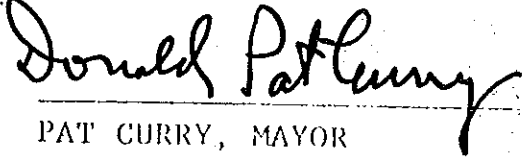
ARTICLE X

Should any article, paragraph, sentence, clause, phrase or word of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such invalidity shall not effect the remainder of this ordinance which shall remain in full force and effect, it being the intent of the council that such work, phrase, clause, paragraphs or article is severable.

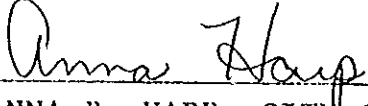
First Reading: March 16, 1982

Second Reading: April 5, 1982

Passed, Approved and Ordered Published this 5th day of
April, 1982.


PAT CURRY, MAYOR

ATTEST:


ANNA B. HARP, CITY CLERK

Indemnification for Dry Ridge personnel

ORDINANCE NO. 373-1982

AN ORDINANCE OF THE CITY OF DRY RIDGE PROVIDING FOR INDEMNIFICATION BY THE CITY OF DRY RIDGE OF THE MAYOR, MEMBERS OF COUNCIL, OFFICERS, EMPLOYEES AND THOSE FURNISHING VOLUNTEER SERVICES UNDER AN ORGANIZED PROGRAM OR ACTIVITY OF THE CITY OF DRY RIDGE FOR EXPENSES, DAMAGES, CLAIMS, FINES, JUDGEMENTS OR COSTS INCURRED AS A CONSEQUENCE OF LAW SUITS OR CLAIMS FILED OR THREATENED BY REASON OF ACTS OR OMISSIONS CLAIMED TO ARISE OUT OF AN ACT OR DUTY IN THE NAME OF OR ON BEHALF OF THE CITY OF DRY RIDGE OR OF RELATED INDEPENDENT AGENCIES.

This is a summary of Ordinance No. 373 pursuant to KRS 83A.060 (9). A complete copy of the ordinance is available for review at the City Building.

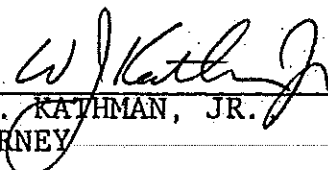
This ordinance allows reimbursement of lawsuit expenses, including attorneys fees, judgements, settlements and fines to officers, employees and agents of the City of Dry Ridge. It applies to suits where an individual is named a party by reason of the fact that he or she was acting in some capacity on behalf of the City of Dry Ridge. To qualify for reimbursement the party must be able to demonstrate he acted in good faith while serving the City. A quorum of City Council, not involved in a particular case or a Court such as the Grant Circuit Court shall make the determination of when reimbursement is to be paid. These rights of indemnification are in addition to any others which may exist under any statute, common law or other agreement. The City may choose to purchase insurance to protect some or all of its officers

from these type expenses.

The first reading of this ordinance was March 16, 1982 and the second reading and passage of this ordinance was April 5, 1982.

CERTIFICATION

I, William J Kathman, Jr., an attorney licensed to practice law in the Commonwealth of Kentucky, do hereby certify that I have prepared the foregoing which is a certified summary of ordinance no. 373.



WILLIAM J. KATHMAN, JR.
CITY ATTORNEY