

LOCAL LAW # 1 OF 2014

**A LOCAL LAW
TO INDEMNIFY OFFICERS AND
EMPLOYEES OF THE TOWN**

Be It Enacted By the Town Board of the Town Of Andes:

Section 1. Legislative Intent. The Town herein enacts a local law to indemnify its Officers and Employees for actions taken when acting on behalf of the Town:

Title: Defense and Indemnification of Town Officers and Employees

§ 1-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE

An employee of the Town of Andes.

OFFICER

An officer of the Town of Andes, whether elected or appointed.

SCOPE OF EMPLOYMENT

The performance of any act, duty or power in the furtherance of the interest of the Town of Andes by an officer or employee and which is related to the duties of such officer or employee.

§ 1-2 Assumption of liability for performance of duties.

The Town of Andes shall save harmless and indemnify any officer or employee of the Town from financial loss resulting from a claim filed in any court of competent jurisdiction for damages arising out of an act done or the failure to perform any act, provided that such officer or employee, at the time of the alleged act or failure to perform any act, was acting in the performance of his or her duties and within the scope of employment.

§ 1-3 Responsibility of officer or employee.

The officer or employee shall deliver, within 10 days of the time he or she is served with any summons, complaint, process, notice, demand or pleading, the original or a copy thereof to the Town Attorney and request the Town Attorney to assume control of his or her representation. The Town Attorney, upon receipt of any such summons, complaint, process, notice, demand or pleading, may assume control of the representation of the officer or employee. Upon assuming such control, the officer or employee shall cooperate fully with the Town Attorney.

§1-4 Special or independent counsel.

A. At any time during the proceedings, if the Town Attorney feels that because of the nature of the claim, or the possibility of a conflict of interest between the officer or employee and the town, or for any other appropriate reason, that special or independent counsel should be retained, he or she may request the Town Board to appoint special or independent counsel to defend or assist in the defense of the officer or employee.

B. Upon such request, the Town Board may appoint such special or independent counsel as may be appropriate.

§ 1-5 Applicability to insurance policies.

This article shall not in any way impair, limit or modify the rights and obligations of any insurer under any policy of insurance.

§ 1-6 Rights of other parties not affected.

The benefits of § 1-2 of this article shall inure only to officers and employees of the town and shall not enlarge or diminish the rights of any other party.

§ 1-7 Applicability.

This article shall apply with respect to claims arising on or after the effective date of this article.

Section 2. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.