

ORDINANCE NO. 1986-M- 23

AN ORDINANCE AMENDING TITLE 2, "ADMINISTRATION AND PERSONNEL", CHAPTER 2.42, "INDEMNIFICATION", OF THE ST. CHARLES MUNICIPAL CODE, BY THE ADDITION OF SECTION 2.42.010, "ACTIONS AND CLAIMS AGAINST CITY EMPLOYEES"

DATE OF PUBLICATION Not
NEWSPAPER Published

REFER TO:
MINUTES 5-19-86
PAGE 3239

WHEREAS, Chapter 85, Section 2-302, Ill. Rev. Stat., 1985, provides as follows:

§2-302 If any claim or action is instituted against any employee or former employee of a local public entity based on an injury allegedly arising out of an act or omission occurring within the scope of his employment as such employee, the entity may elect to do any one or more of the following:

- a) Appear and defend against the claim or action;
- b) Indemnify the employee or former employee for his court costs incurred in the defense of such claim or action;
- c) Pay, or indemnify the employee or former employee for a judgment based on such claim or action, or
- d) Pay, or indemnify the employee or former employee for, a compromise or settlement of such a claim or action.

; and

WHEREAS, the City Council of the City of St. Charles is of the opinion that it is to the benefit of the City to make the elections provided for in said §2-302 by means of this ordinance rather than on a case by case basis; and

WHEREAS, the City Council of the City of St. Charles is desirous of making such elections pursuant to said §2-302, and not as a home rule enactment of the City of St. Charles;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, as follows:

SECTION 1: That Title 2, "Administration and Personnel", Chapter 2.42, "Indemnification" of the St. Charles Municipal Code, be and the same is hereby amended by the addition of Section 2.42.010 to read as follows:

"Section 2.42.010 Actions and Claims Against City Employees.

A. Definitions. Words and terms used in this section shall have the meanings ascribed to them by this section.

1. "Employee" includes an officer, member of a board, commission or committee, servant or employee of the City of St. Charles, whether or not compensated, but does not include an independent contractor.

2. "Injury" means death, injury to a person, or damage to or loss of property. It includes any other injury that a person may suffer to his person, reputation, character or estate which does not result from circumstances in which a privilege is otherwise conferred by law and which is of such a nature that it would be actionable if inflicted by a private person.

B. Defense of Actions, Payment of Judgments and Settlements.

Pursuant to the provisions of Chapter 85, §2-302, Ill. Rev. Stat., 1985, the City of St. Charles hereby elects that in the event any claim or action is instituted against an employee or former employee of the City of St. Charles arising out of an act or omission occurring within the scope of his employment as such employee, except where the injury results from willful misconduct of the employee, the City of St. Charles shall appear and defend such employee against the claim or action, and pay any judgment based on such claim or action, or pay any compromise or settlement of such claim or action."

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

PRESENTED to the City Council of the City of St.
Charles Illinois, this 19th day of May, 1986.

PASSED by the City Council of the City of St. Charles,
Illinois, this 19th day of May, 1986.

APPROVED by the Mayor of the City of St. Charles,
Illinois, this 19th day of May, 1986.



Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 10

Nays: 0

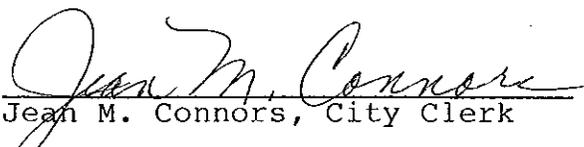
Absent: 0

STATE OF ILLINOIS)
COUNTIES OF KANE AND DUPAGE) SS.
CITY OF ST. CHARLES)

This is to certify that the foregoing is a true and correct copy of Ordinance No. 1986-M-23 entitled AN ORDINANCE AMENDING TITLE 2, "ADMINISTRATION AND PERSONNEL", CHAPTER 2.42, "INDEMNIFICATION", OF THE ST. CHARLES MUNICIPAL CODE, BY THE ADDITION OF SECTION 2.42.010, "ACTIONS AND CLAIMS AGAINST CITY EMPLOYEES"

passed by the City Council of the City of St. Charles on the nineteenth day of May, 1986 A.D., as morefully appears from the records and files of said City in my custody.

Given under my hand and the official seal of said City of St. Charles, this 20th day of May, 1986 A.D.


Jean M. Connors, City Clerk