

## **ORDINANCE PROVIDING FOR INDEMNIFICATION OF TOWN OFFICIALS**

BE IT ORDAINED by the Town Council of the Town of Plainville, in meeting duly assembled:

**SECTION 1:** Except as otherwise provided in this ordinance, the Town of Plainville shall indemnify any person who was or is a party, or was threatened to be made a party, to any threatened, pending or completed civil or administrative action, suit or proceeding (other than an action by or in the right of the Town), when it should appear that such person, or the person whose legal representative he is, was serving as an officer, employee or agent of the Town, whether elected or otherwise appointed, and when it further should appear that such service to the Town was or is the basis of such threatened or actual proceedings.

**SECTION 2:** The Town shall provide the services of the Town Attorney or other counsel if appropriate, at no expense to any person entitled to indemnification, and the Town Attorney or other counsel shall provide a full and complete defense on behalf of such person to all proceedings, including any appeals. Any counsel other than the Town Attorney to be provided under this section shall be subject to the approval of the Town Council.

**SECTION 3:** Indemnification shall include attorney's fees, reimbursement of judgments, amounts paid in settlement, and other expenses actually and reasonably incurred in connection with such proceedings, or any appeal therefrom. In addition to such indemnification, expenses may be paid in advance of the final disposition of proceedings as authorized by the Town Council, the members of which shall be entitled to vote consistent with the provisions of the ordinance captioned "Code of Ethics," whether or not they are parties to the proceedings.

**SECTION 4:** No such indemnification or defense shall be provided by the Town unless the party who seeks to rely on this ordinance notifies the Town Council of the threatened proceeding promptly upon learning of same, nor shall such indemnification be provided where such person did not act in good faith and in a manner that he reasonably believed to be in the best interests of the Town. The final determination, other than through settlement or compromise, of the proceedings in a manner favorable to such person shall be conclusive evidence that such person acted in good faith, but determination in a manner unfavorable to such person shall not be conclusive that such person is not entitled to indemnification.

**SECTION 5:** The Town shall not indemnify any person to any extent greater than that authorized by this ordinance, but the Town may procure insurance providing greater indemnification.

Adopted by Town Council June 16, 1975