

Adopted November 12, 1986

TOWN OF WEST GREENWICH
RHODE ISLAND

NOTICE OF PUBLIC HEARING

An Ordinance Entitled
"Indemnity of Municipal Officials"

It is ordained by the Town Council of the Town of West Greenwich as follows:

Indemnity of Municipal Officials

Section 1. Indemnity of Public Officials, Employees.

The Town Council of the Town of West Greenwich may on a case by case basis indemnify any public employee, official - elected or otherwise, member of a board, agency or commission appointed by the Town Council or by any other person exercising appointing authority delegated to him or her by the Town Council; whether or not such employee, official or member is paid, from all loss, cost, expense and damage, including legal fees and court costs, if any, arising out of any claim, action, compromise, settlement or judgment by reason of any alleged error or misstatement or act or omission, or neglect or violation of the rights of any person under any federal or state law, including misfeasance, malfeasance or nonfeasance or any act, omission or neglect contrary to any federal or state law which imposes personal liability on any such employee, official or member, if such employee, official or member, at the time of such act, omission or neglect, was acting within the scope of his or her official duties or employment. The Town Council shall not indemnify any such employee, official or member for any misstatement, error, act, omission, or neglect if the same resulted from willful, wanton or malicious conduct on the part of such employee, official or member.

Section 2. Legal Counsel.

Legal counsel will be provided at the expense of the Town of West Greenwich and/or the reimbursement for attorneys' fees and other expenses incurred in connection with the conduct of such defense, including payment of the judgment thereon.

Section 3. Establishment of a Fund.

The Town Council may at its discretion utilize funds appropriated from time to time by the Financial Town Meeting to defer the costs incurred by the Town of West Greenwich in carrying out the purposes of this ordinance. Any amounts contained in such fund at the end of any fiscal year will be carried forward to subsequent fiscal years without any reappropriation except as otherwise may be specifically provided by this section.

Section 4. Effective Date.

This ordinance shall take effect upon its passage and shall be retroactive to any claim made on and after February 1, 1986, notwithstanding the fact that such claim is based upon an alleged misstatement, error, act, omission or neglect occurring prior to such date.

Edna I. Morton

Town Clerk