

2.40.040 - Indemnification.

- A. In case any injury to the person or property of another is caused by an officer or employee of the village allegedly arising out of an act or omission occurring within the scope of his or her duties or employment, the village shall; indemnify said officer or employee or former officer or employee for his or her court costs including reasonable attorney's fees incurred in the defense of such claim or action; pay or indemnify the officer or employee or former officer or employee for a judgment based on such claim or action; and pay or indemnify the officer or employee or former officer or employee for a compromise or settlement of such claim or action. Provided, however, no indemnification shall extend to any portion of a judgment representing an award of punitive or exemplary damages.
- B. Any officer or employee or former officer or employee who is made a party defendant to any such action shall, within ten (10) days of service of process upon him or her, notify the village of the fact that the action has been instituted, and that he or she has been made a party defendant to the same. Such notice shall be in writing, and shall be filed in the office of the village attorney, and also in the office of the village clerk, either by himself or herself, his or her agent, or attorney. The notice shall state in substance, that such officer or employee (naming him or her), has been served with process and made a party defendant to an action wherein it is claimed that person has suffered injury to his or her person or property caused by such officer or employee; stating the title and number of the case; the court wherein the same is pending; and the date such officer or employee was served with process in such action, and made a party defendant thereto. The village shall have the right to intervene in the suit against the officer or employee and shall be permitted to appear and defend. The duty of the village to indemnify any such officer or employee shall be conditioned upon receiving notice of the filing of any such action in the manner and form hereinabove described.

(Prior code § 2-50)