

Chapter 7**DEFENSE AND INDEMNIFICATION**

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[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 11-15-1988 as L.L. No. 2-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics - See Ch. 9.

§ 7-1. Conferral of statutory benefits.

The Village Board hereby adopts § 18 of the New York Public Officers Law and confers the benefit thereof on all village officers and employees of the Village of Cold Spring, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

§ 7-2. Defense to be provided.

The village shall provide for the defense of all officers and employees in any civil action or proceeding arising out of any act or omission, including such actions in which it is alleged that the village officer or employee has violated the civil rights of the petitioner, claimant or plaintiff under Sections 1981 or 1983 of the Federal Civil Rights Act.

§ 7-3. Indemnification to be provided.

The village shall indemnify and save harmless such village officers and employees from any judgment or settlement of any claim obtained against such officer or employee. Such legal defense and indemnification shall be provided where the officer or employee,

at the time of the alleged acts or omissions, was acting in good faith and within the scope of his public employment, powers or duties.

§ 7-4. Provisions to be in addition to other protection.

The provisions of this chapter shall be in addition to any other statutory grant or protection or local law or resolution providing legal defense and indemnification in civil actions brought against such officers or employees of the village.

§ 7-5. Limits on indemnification.

- A. Except as otherwise provided by law, the duty to indemnify and save harmless provided herein shall not arise where the injury or damage is shown by factual evidence to have resulted from intentional wrongdoing or recklessness on the part of the officer or employee of the village.
- B. For the purpose of this chapter, “indemnification” shall include reimbursement for legal fees and expenses incurred by officers or employees who are subject to this chapter.

§ 7-6. Conditions.

The duty to defend or indemnify and save harmless prescribed by this chapter shall be conditioned upon delivery by the officer or employee to the Village Attorney or to the Mayor of a written request to provide for the defense of said officer or employee, together with the original summons, complaint, process, notice, demand or pleading, within ten (10) days after service thereof on the officer or employee and the full cooperation of the officer or employee in the defense of such action or proceeding and in defense of any action or proceeding against the village based upon the same act or omission, and in any appeal.