

ORDINANCE

No. 23-008

1st Reading MAR 09 2023

Date to Mayor APR 12 2023

Public Hearing APR 06 2023

Date Returned _____

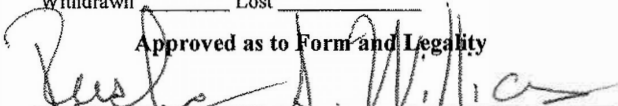
2nd Reading & Passage APR 06 2023

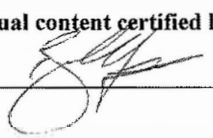
Date Resubmitted to Council _____

Withdrawn _____ Lost _____

Approved as to Form and Legality

Factual content certified by


Assistant CITY ATTORNEY


Title

Councilman/woman _____ presents the following Ordinance:

AN ORDINANCE PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF CITY OF TRENTON OFFICIALS AND EMPLOYEES

WHEREAS the City of Trenton has a policy and practice of providing a legal defense and indemnification to its elected and appointed officials and employees in civil actions, pursuant to NJSA 59:10-4 et seq. and other applicable provisions of law; and

WHEREAS the City Council of the City of Trenton has determined to codify said policy and practice into its Municipal Code;

NOW IT IS HEREBY ORDAINED BY the City Council of the City of Trenton as follows:

1. The provisions of this Ordinance shall be applicable to and include all elected or appointed officials; all employees of the City or City Council; all members or employees of any Board, Commission, Authority, Office, Committee or other body of the City created by the City or existing pursuant to law; whether full or part time, and whether or not compensated for such position. Said provisions shall not include independent contractors engaged by the City.
2. It is the intent and purpose of this Ordinance to provide for a legal defense and indemnification to the fullest extent permitted by law when any of the individuals or bodies referred to in paragraph 1, above, are named as Defendants in a civil action or proceeding alleging an act or omission arising out of or incidental to the performance of his or her official duties. Said legal defense and indemnification shall apply to individuals no longer holding such position as long as they held such position at the time of the conduct complained of.
3. The above provisions shall not apply to any Disciplinary matter brought by the City or any of its Departments, or where the alleged act or omission did not arise out of or was not incidental to the performance of the individual's official duties or to any claim for punitive damages.
4. Whenever an individual referred to in paragraph 1 above is named as a Defendant in a civil matter referred to in paragraph 2, above, he or she shall immediately notify the City Attorney in writing and provide a copy of a Summons, Complaint or any other documentation relating to said matter. The City shall provide said individual with legal counsel and shall indemnify said individual(s) for all claims, including Plaintiff's counsel fees and defense costs relating to such matter. Said indemnification shall include exemplary or punitive damages, pursuant to NJSA 59:10-4, if in the opinion of the Governing Body, the acts committed did not constitute actual fraud, actual malice willful misconduct or an intentional wrong.

