

DEKALB COUNTY GOVERNMENT
INDEMNIFICATION POLICY

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INDEMNIFICATION POLICY

Indemnification of Officers, Employees and Certain Appointees

- 1.1.0. WHEREAS, the County of DeKalb is a political subdivision of the State of Illinois, and
 - *(Revised 04/15/1998)*
- 1.2.0. WHEREAS, the Local Governmental and Governmental Employees Tort Immunity Act authorizes the County of DeKalb to elect to indemnify its officers, employees and certain appointees if it finds indemnification appropriate in a particular case, and
 - *(Revised 04/15/1998)*
- 1.3.0. WHEREAS, the County of DeKalb finds it appropriate to indemnify, defend and hold harmless its officers, employees and certain appointees in any action seeking damages under certain conditions described herein, and
 - *(Revised 04/15/1998)*
- 2.0.1. NOW, THEREFORE, BE IT RESOLVED, by the Chairman and members of the County Board of DeKalb, Illinois as follows:
 - *(Revised 10/18/2000)*
- 2.1.0. **SECTION 1:** To the fullest extent permitted by the Constitution of the State of Illinois of 1970 and applicable law, all County Officers and their employees, including the following:

- County Board Chairman
- County Board Members
- DeKalb County Circuit Court Judges
- County Clerk & Recorder
- DeKalb County Hearing Officer
- Circuit Clerk
- Information Management Office Director
- State’s Attorney
- County Treasurer and Collector
- ESDA Director
- Deputy County Administrator
- Director of Public Health
- Public Defender
- County Coroner
- Regional Superintendent of Schools and
- Members of the Regional Board of School Trustees
- County Sheriff
- County Supervisor of Assessments
- County Planning Director
- Forest Preserve Superintendent
- Community Services Director
- County Administrator
- County Facilities Manager
- County Home Administrator
- County Home Manager
- DeKalb County Engineer
- Mental Health Administrator
- Veterans Assistance Commission, and

■ *(Revised 02/21/2007)*

2.2.0. Certain County Appointees who Serve as Members of the:

Community Mental Health Board
 DeKalb County Board of Health
 DeKalb County Board of Review
 DeKalb County Farmland Assessment Review Committee
 Community Services Advisory Board
 DeKalb County Jury Commission
 DeKalb County Building Board of Appeals
 DeKalb County Public Building Commission
 Sheriff's Merit Commission
 Sheriff's Auxiliary
 Sheriff's Radio Watchers
 ESDA Weather-Spotters
 DeKalb County Soil & Water Conservation District
 DeKalb County Emergency Telephone System Board
 DeKalb County Nursing Home Foundation Board
 DeKalb County Rehab & Nursing Center Operating Board
 DeKalb County Members of the River Valley Workforce Investment Board
 DeKalb County Regional Planning Commission
 DeKalb County Supportive Living Facility - Non For Profit, Directors
 ■ *(Revised 02/21/2007)*

2.3.1. shall be indemnified, defended and held harmless by the County from and against all liabilities, expenses or investigation, judgements and amounts paid in settlement which may be imposed upon or reasonably incurred or paid by such officer, employee or appointee in connection with or resulting from any claim made against him or her, or any action, suit, proceeding or investigation in which he or she may be involved by reason of his or her being or having been such officer, employee or appointee of the County, whether or not he or she continues to be such officer, employee or appointee at or after the time of such claim, action, suit, proceeding or investigation; provided however, that the foregoing indemnity shall not extend to any of the following:

■ *(Revised 04/15/1998)*

2.3.2. A. Any liability or cost with respect to any matter as to which such officer, employee or appointee is finally adjudged to be guilty of bad faith, or actual malice, or wilful and wanton misconduct in the performance of his or her duties as such officer, employee or appointee.

■ *(Revised 04/15/1998)*

2.3.3. B. Any payment, expense or cost arising out of a settlement of any claim, action, suit or proceeding, unless: 1.) Such settlement has been approved by the court having jurisdiction over such claim, action, suit or proceeding, with express knowledge of the existence of the indemnification provided hereby; or 2.) Such settlement has been made with the approval of the State's Attorney, a Special Assistant State's Attorney, or Special State's Attorney, to the effect that there is no reasonable ground for any finding of bad faith, or of actual malice, or wilful and wanton misconduct on the part of such officer, employee or appointee and that the anticipated cost of such settlement will not substantially exceed the estimated cost and expense of defending such claim, action, suit or proceeding to a final conclusion.

■ *(Revised 04/15/1998)*

- 2.3.4. C. Any liability of judgment payable to the County itself.
■ *(Revised 04/15/1998)*
- 2.3.5. D. The cost of legal representation, except as provided by: the State's Attorney; a Special Assistant State's Attorney, duly appointed by the State's Attorney; or a Special State's Attorney, appointed by a court having jurisdiction over such claim, action, suit or proceeding.
■ *(Revised 04/15/1998)*
- 2.3.6. E. Any liability or costs incurred as a result of the County Officer's, County Employee's or Appointees failure to provide timely notice of such claims, action, suit or proceeding.
■ *(Revised 04/15/1998)*
- 2.3.7. F. Any liability of costs incurred as a result of the County Officer's, County Employee's or County Appointee's failure to reasonably cooperate in the defense of such claim, action, suit or proceeding.
■ *(Revised 04/15/1998)*
- 2.4.0. The foregoing rights of indemnification shall be in addition to any other rights to which such officer, employee, or appointee may otherwise be entitled as a matter of law. ¹
■ *(Revised 04/15/1998)*
- 3.1.0. **SECTION 2:** This Resolution shall be in effect from and after its passage and approval.
■ *(Revised 04/15/1998)*
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