

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
Forest Preserve Commissioners
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
Deputy Director of Court Services
Drug Court Administrator
Problem-Solving Court Teams
Finance Director
Public Health Administrator
Contracted Health Department Physicians
Contracted Health Department Animal Control Veterinarian Administrator
Contracted Health Department Advanced Practice Clinicians (Nurse Practitioners & Physician Assistants)

Public Defender
County Coroner
Regional Superintendent of Schools and
County Sheriff
County Supervisor of Assessments
County Planning Director
Forest Preserve Superintendent
Community Action Director
County Administrator
County Facilities Manager
County Home Administrator
County Home Manager
Contracted County Home Medical Director
DeKalb County Engineer
County Historian
Mental Health Administrator
Veterans Assistance Superintendent

■ *(Revised 02/21/2007; 03/21/2012;)*

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
Regional Board of School Trustees
Veterans Assistance Commission

■ *(Revised 02/21/2007; 03/21/2012)*

2.3.1. shall be indemnified, defended and held harmless by the County from and against all liabilities, expenses or investigation, judgments 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 willful 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 willful 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)*