Chapter 4 – INDEMNIFICATION

Sec. 4-1 Indemnification of Officers, Employees and Certain Appointees

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
County Circuit Court Judges
County Clerk and Recorder
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 and Physician Assistants)
Public Defender
County Coroner
Regional Superintendent of Schools
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
County Engineer
County Historian
Mental Health Administrator
Veterans Assistance Superintendent

Certain County Appointees who serve as Members of the:
Community Mental Health Board
County Board of Health
County Board of Review
County Farmland Assessment Review Committee
Community Services Advisory Board
County Jury Commission
County Building Board of Appeals
County Public Building Commission
Sheriff's Merit Commission
Sheriff's Auxiliary
Sheriff's Radio Watchers
ESDA Weather-Spotters
County Soil and Water Conservation District
County Emergency Telephone System Board
County Nursing Home Foundation Board
County Rehab and Nursing Center Operating Board
County Members of the River Valley Workforce Investment Board
County Regional Planning Commission
County Supportive Living Facility—Not for Profit, Directors
Regional Board of School Trustees
Veterans Assistance Commission
County Stormwater Management Planning Committee

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:

1. 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.
2. Any payment, expense or cost arising out of a settlement of any claim, action, suit or proceeding, unless:
    a. 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
    b. 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.

3. Any liability of judgment payable to the County itself.
4. 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.
5. Any liability or costs incurred as a result of the County officer's, County employee's or appointee's failure to provide timely notice of such claims, action, suit or proceeding.
6. 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.

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.

(Res. of 2-18-1998, § 1; Res. of 4-15-1998, § 1; Res. R2007-13, § 1, 2-21-2007; Ord. No. 2013-01, 2-20-2013; Res. No. R2015-92, 10-21-2015)

State Law reference — Similar provisions, 745 ILCS 10/1-101 et seq.