

CHAPTER 151
Defense and Indemnification of Commission and Board Members

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CROSS REFERENCES
Political subdivision tort liability - see Ohio R.C. Ch. 2744

151.01 DEFINITIONS.

(a) "City" means the City of Sylvania, Ohio.

(b) "Commission" or "board" means the Civil Service Commission, the Municipal Planning Commission, the Board of Health, the Tam O'Shanter Recreation Commission, the Fair Housing Board and such other commissions and boards as the Council of the City may establish by ordinance pursuant to the authority vested in the Council by Article IX, Section 1.0 of the Charter.

(c) "Member" means a person elected or appointed to a commission or board who is authorized to act and is acting within the scope of his official responsibilities. (Ord. 67-87. Passed 7-8-87.)

151.02 DEFENSE AND INDEMNIFICATION OF MEMBERS.

(a) Except as otherwise provided in this subsection, the City shall provide for the defense of a member of a commission or board in any civil action or proceeding to recover damages for injury, death or loss to persons or property allegedly caused by an act or omission of the member in connection with the performance of his official responsibilities, if the act or omission occurred or is alleged to have occurred while the member was acting in good faith and within the scope of his official responsibilities. Amounts expended by the City in the defense of a commission or board member shall be from funds appropriated for this purpose or from proceeds of insurance. The duty to provide for the defense of a commission or board member specified in this subsection does not apply in a civil action or proceeding that is commenced by or on behalf of the City.

(b) Except as otherwise provided in this subsection, the City shall indemnify and hold harmless a member of a commission or board in the amount of any judgment, other than a judgment for punitive or exemplary damages, that is obtained against a member of a commission or board in a State or federal court or as a result of a law of a foreign jurisdiction and that is for damages for injury, death or loss to persons or property caused by an act or omission in connection with a governmental or proprietary function as defined in Ohio R.C. 2744.01 if, at the time of the act or omission the member of the commission or board was acting in good faith and within the scope of his official responsibilities.
(Ord. 67-87. Passed 7-8-87.)

151.03 AUTHORITY TO SETTLE CLAIMS.

(a) The City may enter into a consent judgment or settlement and may secure releases from liability for itself or a member of a commission or board with respect to any claim for injury, death or loss to persons or property caused by an act or omission in connection with a governmental or proprietary function as defined in Ohio R.C. 2744.01.

(b) No action or appeal of any kind shall be brought by any person, including a member of a commission or board, or a taxpayer with respect to the decision of the City pursuant to subsection (a) hereof whether to enter into a consent judgement or settlement or to secure releases, or concerning the amount and circumstances of a consent judgment or settlement. Amounts expended for any settlement shall be from funds appropriated for this purpose. (Ord. 67-87. Passed 7-8-87.)

151.04 EFFECTIVE DATE OF COVERAGE.

The provisions of this chapter shall be used by and inure to the benefit of the City and members of a commission or board in connection with judgments rendered on or after the effective date of this chapter, actions commenced on or after the effective date of this chapter and claims arising or made on or after the effective date of this chapter.
(Ord. 67-87. Passed 7-8-87.)