


CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
VIA: Jonathan N. Rorie, City Manager 
FROM: Betsy Tyler, Public Information Officer/City Clerk
DATE: April 11, 2019
SUBJECT: Consider Revised Indemnification Resolution
April 18, 2019, City Council Agenda

Recommendation:

That Council consider the attached Revised Indemnification Resolution.

Discussion:

Each year, Council adopts a resolution indemnifying officials and employees and agreeing to defend and pay judgments rendered against them for acts or omissions performed or neglected to be performed by them in the course of their employment or association with the City. This indemnification does not apply to individuals who act outside of the scope of their duties or authority, or act oppressively, maliciously, corruptly, or without authority, nor does it apply to City authorities that function autonomously and have their own liability coverage.

The proposed revision includes providing coverage for legal expenses in cases when a City official or employee has been defamed in a public media outlet or otherwise slandered or libeled to the public so that a valid claim for defamation can be filed under Georgia law.

In addition, the proposed revision provides for the City to seek reimbursement for legal costs incurred in the successful pursuit of a defamation ruling from the party or parties committing the defamation.

Budget Impact:

Other than as outlined, legal representation for this type of claim is included under the umbrella of the City's Liability Insurance Policy.

Attachment

**CITY OF PEACHTREE CITY
STATE OF GEORGIA**

RESOLUTION # _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY REGARDING
POTENTIAL LIABILITY OF CITY ELECTED OFFICIALS, APPOINTED OFFICIALS, AND EMPLOYEES**

WHEREAS, the City of Peachtree City is a municipal corporation duly chartered and incorporated by the State of Georgia; and

WHEREAS, as a result of certain decisions by State and Federal Courts, elected and appointed officials and employees of the City may be subject to suits seeking to hold those persons personally liable for damages; and

WHEREAS, elected and appointed officials, employees, and other individuals may be subject to formal complaints under the City Code of Ethics; and

WHEREAS, in the normal execution of their duties, elected and appointed officials and employees of the City may be subject to unwarranted public defamation when formal complaints are unwarranted; and

WHEREAS, the City Council deems it to be in the best interest of the City to indemnify, defend, and protect City elected and appointed officials and employees from certain liability,

IT IS THEREFORE, RESOLVED THAT:

The City of Peachtree City shall indemnify, defend and pay any and all judgments rendered against any City elected official or appointed official, ~~{with exception of officials of authorities, which shall be responsible for their respective boards and employees,}~~ which shall be responsible for their respective boards and employees, or employee for any and all suits brought against them for any acts or omissions performed or neglected to be performed by them in the course of their employment, or association with the City.

The City of Peachtree City shall provide legal counsel to any elected official, appointed official, employee, or other individual who is investigated under the City's Code of Ethics ~~{with the exception of officials of authorities, which shall be responsible for their respective boards and employees,}~~ which shall be responsible for their respective boards and employees, for representation before the Hearing Officer, the investigation conducted by the Hearing Officer, and any action taken by Council. Such legal counsel shall be selected by the individual requesting representation and be reimbursed by the City at a rate not to exceed the approved hourly rate of the City Attorney plus 20%.

The City of Peachtree City shall fund legal action on the part of any elected official, appointed official, or employee, with exception of officials of authorities, which shall be

responsible for their respective boards and employees, who has been defamed in a public media outlet (television, newspaper, social media, or other outlet), or otherwise disseminated to the public so as to present a valid claim for defamation under Georgia law. Legal counsel shall be selected by the defamed individual requesting representation and be reimbursed by the City at a rate not to exceed the approved hourly rate of the City Attorney plus 20%. Further, in the event that a defamation suit is settled in the City's favor, the City shall seek reimbursement for the actual legal costs incurred in successful pursuit of the defamation ruling by the person or persons committing the defamation.

The indemnification shall not apply to those individuals who acted oppressively, maliciously, corruptly, or without authority of law as defined under O.C.G.A. §36-33-4.

This resolution shall remain in full force and effect until such time as it may be amended or repealed by a subsequent resolution of the City Council.

SO RESOLVED, in open session assembled pursuant to law, this 18th day of April 2019.

Mayor

ATTEST: _____
Betsy Tyler, City Clerk