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AN ORDINANCE AMENDING THE ORLAND PARK VILLAGE CODE TITLE 1 CHAPTER 15 BY CREATING A NEW SECTION 1-15-2 (INDEMNIFICATION OF ETHICS OFFICER)

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WHEREAS, the Village of Orland Park is a home rule unit by virtue of the provisions of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village, as a home rule unit, may exercise such powers and perform any function pertaining to its government and affairs, including, but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, on April 20, 2020, the Board of Trustees and Mayor of the Village of Orland Park adopted An Ordinance Establishing a Code of Ethical Standards of Conduct for the Board of Trustees and All Boards, Committees and Commissions of the Village of Orland Park that is Applicable to Persons in Municipal Service Whether Compensated or Not and Whether Appointed or Hired and to Prescribe Discipline for Violations Thereof; and

WHEREAS, the Ethics Officer will dedicate his or her time, resources, knowledge and efforts while serving the Village of Orland Park for the benefit of the Village of Orland Park, its residents and the public; and

WHEREAS, the corporate authorities of the Village of Orland Park desire that individuals, acting in the capacity of Ethics Officer continue to dedicate his or her time, resources, knowledge and efforts for the benefit of the Village of Orland Park, its residents and the public; and

WHEREAS, the corporate authorities of the Village of Orland Park desire to provide the duly appointed Ethics Officer with protection from liability for serving the Village, provided that the person acts within the scope of his or her Village-related duties, to the extent set forth in this Ordinance as well as An Ordinance Establishing a Code of Ethical Standards of Conduct for the Board of Trustees and All Boards, Committees and Commissions of the Village of Orland Park that is Applicable to Persons in Municipal Service Whether Compensated or Not and Whether Appointed or Hired and to Prescribe Discipline for Violations Thereof, and as authorized by Illinois statute; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

That Title 1, Chapter 15 of Orland Park Village Code shall be and hereby is amended to add the following in its entirety:

“1-15-2: INDEMNIFICATION OF ETHICS OFFICER

If any claim or action is instituted against the Ethics Officer based on an injury allegedly arising out of an act or omission occurring within the scope of his or her duties as such Ethics Officer, the Village may elect to do any one or more of the following:

1. Appear and defend against the claim or action;
2. Indemnify the Ethics Officer for his or her court costs and reasonable attorneys' fees incurred in the defense of such claim or action;
3. Pay or indemnify the Ethics Officer for a judgment based on such claim or action; and/or
4. Pay or indemnify the Ethics Officer for a compromise or settlement of such claim or action, provided that the settlement is approved by a majority of the members of the Board of Trustees.

Provided however that the foregoing indemnity shall not extend to any of the following;

1. Any liability, attorney fees or costs with respect to any matter in which the Ethics Officer is finally adjudged to be guilty of a criminal act; to the extent that any criminal proceeding shall be pending at the time of indemnification or any criminal proceeding shall thereafter be instituted, any indemnification paid or promised shall be conditioned upon the termination of the criminal proceeding without a finding of guilt;
2. Any liability or judgment against the Ethics Officer which is payable to the Village itself or where the Village was injured and the Ethics Officer obtained personal benefit or financial gain as a result of his or her wrongful conduct;
3. Any liability, attorney fees or costs incurred as a result of a Village initiated or approved investigation into the misconduct of the Ethics Officer;
4. Any liability, attorney fees or costs incurred as a result of the Ethics Officer failing to reasonably cooperate or participate in the defense of any claim, action, suit or proceeding with any person, party or entity.”

SECTION 2:

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.

SECTION 4:

The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.