

Chapter 34. OFFICERS AND EMPLOYEES

Article V. Defense and Indemnification

[Adopted 8-13-1991 by Ch. No. 983 as § 2-71 of the 1991 Code]

§ 34-12. Indemnity of public officials and employees.

Pursuant to RIGL 45-15-16, the Town Council may, on a case-by-case basis, indemnify any public official or employee, whether elected or appointed, member of a board, agency, commission, or committee, including the School Committee, whether elected or appointed; or by any other person exercising appointing authority delegated to him by the Town Council; whether or not such employee, official or member is paid, from all loss, cost, damage and expense, including legal fees and court costs, if any, arising out of any claim, action, compromise, settlement or judgment by reason of an alleged error or misstatement or act or omission, neglect or violation of the rights of any person under any federal or state law, including misfeasance, malfeasance or nonfeasance or any act, omission or neglect contrary to any federal or state law which imposes personal liability on any such employee, official or member, at the time of such act, omission or neglect, was acting within the scope of his official duties or employment. The Town Council shall not indemnify any such employee, official or member for any misstatement, error, act, omission, or neglect if the same resulted from willful, wanton or malicious conduct on the part of such employee, official or member.

§ 34-13. Legal counsel.

Legal counsel will be provided at the expense of the Town or the Council may decide on a case-by-case basis to reimburse the public official or employee for reasonable attorney's fees and other expenses incurred in connection with the conduct of such defense, including payment of the judgment thereon. Nothing in this section shall be construed as requiring the Town Solicitor to represent the public official or employee when he deems such representation to create a conflict, ethical or legal.

§ 34-14. Use of appropriated funds.

The Town Council may at its discretion utilize funds appropriated from time to time by the Town to defray the costs incurred by the Town in carrying out the purposes of this article. Any amounts contained in such fund at the end of any fiscal year may be carried forward to subsequent fiscal years without any reappropriation.

§ 34-15. Retroactive date.

This article shall be retroactive to any claim made on and after February 1, 1986, notwithstanding the fact that such claim is based upon an alleged misstatement, error, act, omission or neglect occurring prior to such date.