

FLOYD COUNTY RESOLUTION 2001-II

A RESOLUTION CONCERNING THE POLICY OF FLOYD COUNTY
WITH RESPECT TO THE DEFENSE OF TORT CLAIMS AND THE
PAYMENT OF JUDGMENTS

WHEREAS, in accordance with the provisions of IC 34-13-3, et seq., Floyd County, Indiana, acting by and through its Board of Commissioners, has consistently tendered a defense on behalf of those employees, as defined by IC 34-6-2-38, alleged to have caused damage or injury to others by reason of acts or omissions occurring within the scope of their employment, to include allegations that such employees violated the civil rights of another; and

WHEREAS, Floyd County has provided counsel for and paid all costs and fees incurred in the defense of such claims, regardless of whether or not the employee can or cannot be held personally liable for the loss or damage; and

WHEREAS, pursuant to IC 34-13-3-5, Floyd County, acting by and through its Board of Commissioners, has remained ready and willing to pay and satisfy any judgment, compromise, or settlement involving an employee who has allegedly caused damage or injury to another by and through a good faith act or omission in his official capacity and in the course or his employment or duties on behalf of the County; and

WHEREAS, the Board of Commissioners of the County of Floyd is desirous by this resolution of reaffirming its policy with respect to defending employee tort claims and the compromise and settlement thereof.

NOW THEREFORE,

BE IT RESOLVED, that the policy of Floyd County, Indiana, of providing counsel for and paying all costs and expenses incurred in the defense of an employee alleged to have caused damage or injury to another through an act or omission occurring during the scope of the employee's employment or duties, regardless of whether or not the employee can or cannot be held personally liable for the loss or damage, be, and such policy hereby is reaffirmed.

BE IT FURTHER RESOLVED, that, subject to the requirements and limitations of IC 34-13-3, et seq., the Board of Commissioners deems it in the best interests of Floyd County, Indiana, and hereby reaffirms its policy to pay any judgment, compromise, or settlement of a claim or suit against an employee when the act or omission causing the loss is within the scope of the employee's duties or employment and when such act or omission is not criminal, malicious, wilful or wanton, or calculated to benefit the employee personally.

SO RESOLVED this 16th day of January, 2001.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

John E. Gessert
MEMBER

Mike Mills
MEMBER

Charles A. Freiburger
MEMBER

ATTEST:

Barbara Sillinger
FLOYD COUNTY AUDITOR