

ORDINANCE NUMBER 2015-01

**AN ORDINANCE
AUTHORIZING INDEMNIFICATION OF CERTAIN ELECTED AND
APPOINTED OFFICERS AND EMPLOYEES OF THE MILL CREEK
WATER RECLAMATION DISTRICT**

NOW, THEREFORE, pursuant to the provisions of Paragraph 12.1 of the Illinois Sanitary Sewer Act of 1936 (70 ILCS 2805/12.1), be it and it is hereby ordained by the Board of Trustees of the Mill Creek Water Reclamation District, Kane County, Illinois, as follows:

SECTION 1. Indemnification of Trustees or employees of the District.

A. To the extent permitted by law and supplemental to any liability insurance, where applicable, held by the Mill Creek Water Reclamation District, the District shall indemnify and hold harmless any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that such person is or was an elected or appointed trustee, officer, employee or agent of the District, against expenses (including attorney fees), compensation, judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with such action, suit or proceeding, if he acted within the scope of his employment or duties, acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the District, and with respect to any criminal action or proceeding had no reasonable cause to believe his conduct was unlawful, except that no indemnification shall be made in respect to:

1. Any claim, issue or matter as to which such person shall have been adjudged to be liable for willful and wanton negligence or misconduct in the performance of his duty to the District; or
2. For any punitive or exemplary damages.

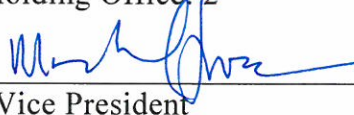
B. Any indemnification under subsection A of this section shall be made by the Board of Trustees upon receipt of a determination by legal counsel for the District that indemnification is proper in the circumstances because applicable standards of conduct set forth in subsection A of this section have been met. Such authorization shall be made by the Board of Trustees.

C. The District reserves the right to select legal counsel in defending elected or appointed officials, employees or agents of the District under the provisions of this section.

SECTION 4. Ordinance in Force.. This Ordinance shall be effective and in full force from and after its passage, approval, and publication as provided by law. Publication of this Ordinance in pamphlet form is hereby authorized.

Passed and adopted by the Board of Trustees of the Mill Creek Water Reclamation District of the County of Kane, State of Illinois on the 2nd day of January, 2015.

Ayes: 2 Nays: 0 Absent: 0 Abstaining: 0 Holding Office: 2



Vice President
Mill Creek Water Reclamation District