

ORDINANCE NO. 150

**AN ORDINANCE OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE NORTHFIELD WOODS SANITARY DISTRICT
AUTHORIZING INDEMNIFICATION OF THE BOARD OF TRUSTEES,
MEMBERS OF THE BOARD OF TRUSTEES, OFFICIALS AND
EMPLOYEES OF THE SANITARY DISTRICT**

WHEREAS, the Northfield Woods Sanitary District, Cook County, Illinois, has heretofore been duly established and is now operating under the provisions of an act of the General Assembly of the State of Illinois, entitled "Sanitary District Act of 1936" (hereinafter the "Act"), approved July 2, 1936, title as amended by Acts approved August 9, 1961, et seq.; the provisions thereof being found more particularly in Ill. Rev. Stat. (1983, Ch. 42 Sec. 412 to 447.57); and

WHEREAS, the Northfield Woods Sanitary District (hereinafter the "District"), Cook County, Illinois, has heretofore by proceedings had in a manner and form provided by law, been authorized to construct, install, operate and maintain a sanitary sewage system in and for said District and to enact and enforce all regulations and ordinances necessary to protect the public health, safety, welfare, comfort and convenience of the residents of the District and for the improvements, care and protection of said system; and

WHEREAS, the operation, maintenance and improvement of said sewage system and the preservation of the public health, safety, welfare, comfort and convenience of the residents of

the District is accomplished by and through its Board of Trustees (hereinafter the "Board"); and

WHEREAS, the Board, in order to govern the District, is called upon to exercise its powers and authority as set forth in the Act, including, but not limited to, the enactment and enforcement of ordinances and resolutions, the exercise of its police power, the hiring and firing of the District employees, and the implementation of decisions and recommendations necessary to operate the District.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Northfield Woods Sanitary District that in addition to the powers and authority now possessed by it, the Board of Trustees, under the Act, shall have the power by a majority vote:

Section 1: Indemnification.

Section 1.1: Use of General Funds.

To use the general funds of the District to defend, indemnify and hold harmless, in whole or in part, the Board of Trustees, members of the Board of Trustees, officials and employees of the District from financial loss and expenses, including court costs, investigation costs, actuarial studies, attorneys' fees and actual and punitive damages, arising out of any civil proceedings (including, but not limited to, proceedings alleging antitrust violations or the deprivation of civil and constitutional rights), claims, demands or judgments instituted, made or entered against any such Board, Trustee, official or

employee by reason of its or his wrongful or negligent statements, act or omissions, provided that such statements, acts or omissions: (i) occur while the Board, Trustee, official or employee is acting in the discharge of its or his duties and within the scope of employment; and (ii) do not constitute wilful and wanton misconduct.

Section 1.2: Insurance.

To obtain and provide for any or all of the matters and purposes described in public officials' liability, comprehensive general liability and such other forms of insurance coverage as the Board of Trustees shall determine necessary or advisable; any insurance so obtained and provided to be carried in a company or companies licensed to write such coverage in this state and to establish and provide for any or all of the matters and purposes described in Section 1.1, as may be deemed necessary by the Board.

Section 1.3: Other Insurance.

Should adequate insurance coverage not be obtained, payment of financial loss and expenses, including court costs, investigation costs, actuarial studies, attorneys' fees and actual and punitive damages associated with liabilities arising out of civil proceedings, claims, demands or judgments instituted, made or entered as set forth in Section 1.1 may be defrayed by the District from any of its funds.

Section 1.4: Reserve Funds.

Those funds set aside for the objectives hereinbefore set forth may be used only for the purposes of making payments for financial loss and expenses, including actual and punitive damages, attorneys' fees, court costs, investigation costs and actuarial studies associated with liabilities arising out of civil proceedings, claims, demands or judgments instituted, made or entered as set forth in Section 1.1 in connection with the statements, acts or omissions of the Board or of a Trustee, official or employee of the Board or the District which statements, acts or omissions occur while the Board, Trustee, official or employee is acting in the discharge of its or his duties and within the scope of employment and which statements, acts or omissions do not constitute wilful and wanton misconduct; for payment of insurance premiums; and for the purposes of making payments for losses resulting from any insured peril.

Section 1.5: Shared Liability and Indemnification.

The Board, when permitted by law to enter into an agreement with any special district, unit of government, person or corporation for the use of property or the performance of any function, service or act, to agree to the sharing or allocation of liabilities and damages resulting from such use of property or performance of function, service or act, in which event such agreement may provide for contribution or indemnification by any

or all of the parties to the agreement upon any liability arising out of the performance of the agreement.

Section 2: Severability.

If any section, paragraph, sentence or clause of this Ordinance is, regardless of cause, held invalid or to be unconstitutional, the remaining sections, paragraphs, sentences and clauses shall all continue in force and effect and shall be construed thereafter as being the entire provisions of this Ordinance.

Section 3: Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided for by law.

PASSED this 9th day of July, 1992.


APPROVED this 9th day of July, 1992.

ATTEST:

APPROVED:



Walter E. Mazurowski, Clerk



Dana W. Mox, President

