



Legislation Text

File #: 17-210, **Version:** 1

TO: Mayor and Commissioners
FROM: R. Max Lohman, City Attorney
DATE: March 1, 2017

ORDINANCE NO. 11-17: AMENDING CHAPTER 31, "CITY OFFICIALS AND EMPLOYEES," SECTION 31.17, "INDEMNIFICATION" (FIRST READING)

Recommended Action:

Motion to Approve Ordinance No. 11-17 on first reading. If passed, a public hearing will be held on March 28, 2017.

Background:

This proposed ordinance seeks to amend the current Chapter 31, section 31.17 "Indemnification" of the City of Delray Beach's Code of Ordinances. Currently, section 31.17 does not contain any provision addressing sanctions for acts by City officials or employees done (1) outside the scope of the performance of their public duties or the scope of their employment, or (2) in bad faith with malicious purpose or (3) in a manner exhibiting wanton and willful disregard of human rights, safety or property. This language continues to track Florida Statute 111.07 that, *inter alia*, permits a municipality to recover attorney's fees paid from public funds for any officer, employee or agent found to be liable of any of the foregoing acts.

Violations of this proposed ordinance would subject City officials and employees to penalties as set forth in the City of Delray Beach Code of Ordinances as well as any applicable state or federal law. Additionally, the City would not be bound by any ultra vires act.