

Introduced: Gromack/Cornell

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June 29, 2006

RESOLUTION 27 of 2006
ADOPTING A DEFENSE AND INDEMNIFICATION POLICY
FOR AUTHORITY BOARD MEMBERS AND STAFF

WHEREAS, the Public Authorities Accountability Act of 2005 requires, among other things, adoption of a Defense and Indemnification Policy for Authority Board Members and staff, and

WHEREAS, the Authority wishes to set forth its Authority Defense and Indemnification Policy as follows:

Our Authority, under exiting By-law 6.1, provides that the “Authority shall, to the fullest extent permitted by Article 2 Section 18 of the Public Officers Law of the State of New York and subject to the provisions thereof, indemnify any person made or threatened to be made a party to any action or proceeding, other than a criminal action, by reason of the fact that such person, his or her testator or intestate, was a Member or an Officer or an employee of the Authority or served at the request of the Authority, as a Member or an Officers or an employee of any subsidiary of the Authority against judgments, fines, amounts paid in settlement and reasonable expenses, including attorney’s fees, actually and necessarily incurred as a result of such action or proceeding (including any appeal therein).

This Authority Defense and Indemnification Policy provides that the Authority shall fully defend and indemnify Board Members, Officers and employees for any and all acts or omissions which arose while that Member, Officer or employee was acting within the scope of his/her public duties, except for criminal acts which are not covered.

The Authority will, where practical, maintain adequate Public Officers Liability Insurance and other applicable insurance, as well as reasonable, adequate and proper available reserves pursuant to Public Authorities Law Section 2045-e (14) to meet the above obligations and contingencies.

In order to invoke this Defense and Indemnification Policy, and be covered thereby, the Member, Officer or employee must promptly advise the Authority’s Chair and Authority Counsel of any circumstances which may be covered by the terms and conditions set forth in the Authority By-law 6.1 and must also cooperate fully in

the defense thereof; now, therefore be it

RESOLVED, that the Rockland County Solid Waste Management Authority does hereby adopt a Defense and Indemnification Policy, as set forth above, for all Authority Board Members, Officers and employees and does direct that a copy of this Policy be given to all present Authority Board Members and to future prospective Board Members and also be included in the Authority's Employee Handbook. This Resolution shall take effect immediately.