

March 14, 1986

Mr. Donald S. Youlen
Deerfield Town Supervisor
656 Hewey Street
Utica, New York 13502

Re; Local Law

Dear Mr. Youlen;

In my opinion as Acting Town Attorney, it is not legally necessary for there to take place a permissive referendum with reference to the Local Law passed at the last Deerfield Town Board meeting providing for defense of Town Officers and employees.

Very truly yours,

VINCENT J. ROSSI, SR.
Acting Town Attorney
Office and P.O. Address;
1208 Bankers, Trust Bldg.
Utica, New York 13501
Tel. No. (315)735-4411
VJR:cas

TOWN OF DEERFIELD

PROPOSED LOCAL LAW NO. 1 FOR THE YEAR 1986

LOCAL LAW PROVIDING FOR THE DEFENSE OF TOWN OFFICERS AND EMPLOYEES.

Be it enacted by the Town Board of the Town of Deerfield as follows:

Section 1. The Town Board hereby adopts Section 18 of the Public Officers Law and confers the benefits thereof upon all town officers and employees.

Section 2. The town shall provide for the defense of any town officer or employee in any civil action or proceeding arising out of any alleged act or omission in which it is alleged that the officer or employee has violated the civil rights of the claimant, petitioner or plaintiff under sections 1981 and 1983 of the U.S. Civil Rights Act. The town shall indemnify and save harmless such officer or employee in the amount of any judgment or settlement of claim obtained against such officer or employee. Such legal defense and indemnification shall be provided where the officer or employee at the time of such alleged act or omission was acting in good faith and within the scope of his public employment, powers or duties. The provisions of this section shall be in addition to any other statute, local law or enactment providing legal defense and indemnification in civil actions brought against such officer or employee.

Section 3. This local law shall take effect immediately upon filing in the Office of the Secretary of State.