

THE FOLLOWING ORDINANCE WAS SPONSORED BY COUNCILMAN ZUCKERMAN;
MOVED FOR ADOPTION BY COUNCIL MEMBER ZUCKERMAN; SECONDED FOR
ADOPTION BY COUNCIL MEMBER VOGELTANZ.

ORDINANCE NO. 25-06

AN ORDINANCE FOR THE CITY OF MANDEVILLE AMENDING SECTION 2-6 OF THE CODE
OF ORDINANCES FOR THE CITY OF MANDEVILLE REGARDING INDEMNITY OF CITY
COUNCILMEMBERS AND PROVIDING FOR OTHER MATTERS IN CONNECTION
THEREWITH

WHEREAS, the City of Mandeville approved and adopted Ordinance 17-08, which was
codified as Section 2-6 of the Code of Ordinances of the City of Mandeville to address the
indemnification of city councilmembers;

WHEREAS, Section 2-6, entitled Indemnity, provides that the City shall indemnify and
hold harmless city councilmembers against judgments arising out of the performance of
duties within the scope of their official capacity as councilmembers;

WHEREAS, the intent of Section 2-6 is to encourage public service by protecting all
City officials and employees from personal liability in the good faith conduct of city affairs
while also allowing the City official to exercise his or her discretion in selecting his or her
counsel so long as there are no conflicts with such representation;

WHEREAS, said section of the Code of Ordinances should be amended for the benefit
of the citizens of Mandeville and in the interest of governmental efficiency.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Mandeville,
the Section 2-6, entitled Indemnity, of the Code of Ordinances of the City of Mandeville,
Louisiana previously enacted through Ordinance 17-08, be amended to read as follows:

Sec. 2-6. Indemnity.

(a) Indemnification - Limitation. The City of Mandeville shall indemnify, hold
harmless, and defend city employees, officers, and officials, including council members and
members of boards and commissions established by this code, from any claim or cause of
action arising from the good faith performance of duties within the scope of their
employment or official capacity and in a manner he or she reasonably believed to be in the
best interests of the City of Mandeville. ~~The City shall retain the right to select counsel for the
purpose of such defense. The City employee, officer, and official seeking the defense shall be
allowed to select his or her counsel for the purpose of such defense, subject to the approval
of the city council, which shall not be unreasonably withheld. Officials or employees may
select their own counsel at their own expense.~~ It is the intent of this section to encourage
public service by protecting officials and employees from personal liability in the good faith
conduct of city affairs.

(b) Period of Indemnification and Persons Covered. The period of indemnification shall include incidents which arise during the entire period in which any elected or appointed official or employee shall have been serving in an official capacity for or employed by the City. This period shall include lawsuits filed prior to the date of the passage of the ordinance codified in this section, as well as those filed subsequent to its passage and shall further apply to those named as defendants who may no longer be officials of or employed by the City, so long as they were serving in such capacity at the time of the alleged act or omission.

(c) Exclusions.

The hold harmless, indemnity, and defense provisions of this section shall not apply to:

- (1) Damages resulting from acts or omissions which are not reasonably related to the legitimate governmental objective for which the policymaking, discretionary power or administrative authority exists;
or
- (2) Damages resulting from acts or omissions which constitute criminal, fraudulent, malicious, bad faith, knowingly violates the law, intentional, willful, outrageous, reckless, or flagrant misconduct;
- (3) Damages resulting from acts or omissions done outside of the course and scope of the individual's employment or official capacity;
- (4) Lawsuits, claims, or actions of any kind against an individual brought by or at the request of the City, including, without limitation, disciplinary proceedings; or
- (5) Punitive damages awards.

(d) The City of Mandeville shall pay all reasonable expenses, including attorneys' fees, incurred in the defense of any city employees, officers, and officials. However, if the said city employee, officer, or official, is found liable for an act described in Section (c) of this Ordinance, the city employee, officer, or official shall reimburse the City for all said costs and fees. Any city employee, officer, or official who accepts a defense as provided under this provision shall sign an acknowledgment of the duty to reimburse should the said city employee, officer, or official be found liable for an act described in Section (c), and a recognition that if any legal action is necessary in order to enforce the reimbursement provision, that such city employee, officer, or official shall also be liable for the reasonable attorneys' fees incurred by the City in enforcing said reimbursement obligation.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon the signature of the Mayor; and

BE IT FURTHER ORDAINED that the Clerk of this Council be, and she is hereby authorized and empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to promulgate the provisions of this Ordinance.

The ordinance being submitted to a vote, the vote thereon was as follows:

AYES: Zuckerman, Strong-Thompson, Vogeltanz, Discon

NAYS: 0

ABSTENTIONS: 0

ABSENT: Lane

and the ordinance was declared and adopted this 27th day of February, 2025

Alicia Watts

Alicia Watts
Clerk of Council

Scott Discon

Scott Discon
Council Chairman

SUBMITTAL TO MAYOR

The foregoing Ordinance was **SUBMITTED** by me to the Mayor of the City of Mandeville this 10th day of March, 2025 at 8:30 o'clock a.m.

Alicia Watts
CLERK OF COUNCIL

APPROVAL OF ORDINANCE

The foregoing Ordinance is by me hereby **APPROVED**, this 10th day of March, 2025 at 1030 o'clock a.m.

L. Clay Madden
CLAY MADDEN, MAYOR

VETO OF ORDINANCE

The foregoing Ordinance is by me hereby **VETOED**, this _____ day of _____, 2025, at _____ o'clock a.m.

CLAY MADDEN, MAYOR

RECEIPT FROM MAYOR

The foregoing Ordinance was **RECEIVED** by me from the Mayor of the City of Mandeville this 10th day of Mar 2025, at 12:52 o'clock pm.

Alicia Watts
CLERK OF COUNCIL

CERTIFICATE

I, **THE UNDERSIGNED** Clerk of the City Council of the City of Mandeville do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Mandeville at a duly noticed, called and convened meeting of said City Council held on the 27th day of Feb, 2025 at which a quorum was present and voting. I do further certify that said Ordinance has not thereafter been altered, amended, rescinded, or repealed.

WITNESS MY HAND and the seal of the City of Mandeville this 10th day of March 2025.

Alicia Watts
Alicia Watts, CLERK OF COUNCIL