

CITY OF MINNEAPOLIS Defense and Indemnification Policy

Applies to: City Council Departments, Boards and Commissions, Elected and Appointed Officials

Synopsis: City Policy & Procedure for Defense & Indemnification of Officers and Employees in accordance with the requirements of MN Statutes, Chap. 466.

Links to Related Policies and Procedures: N/A

Administered By: City Attorney's Office

Phone: (612) 673-3000

A. Policy Statement

It is the policy of the City of Minneapolis to provide defense and indemnification in accordance with the public policy implicit in Minnesota Statutes, Chapter 466, to protect those properly performing governmental services on behalf of the City of Minneapolis against risk of liability resulting from lawsuits and to protect the taxpayers of Minneapolis from exposure to liability for acts committed not in performance of duties or through malfeasance, willful neglect of duty, or bad faith.

B. Scope of Availability

Pursuant to the terms of Minn. Stat. § 466.07, subject to the limitations in section 466.04, the City will defend and indemnify any of its officers and employees, whether elective or appointive (collectively, "employee"), for damages, including punitive damages, claimed or levied against the officer or employee, provided that the officer or employee: (1) was acting in the performance of the duties of the position; and (2) was not guilty of malfeasance in office, willful neglect of duty, or bad faith.

Should the terms of Minn. Stat. § 466.07 be amended from the form in place as of the date that a council action approving this policy is published, the standards applicable to a determination of defense and indemnification shall be the revised standards imposed by the relevant statutory requirements until such time as this policy is revised.

Should the terms of Minn. Stat. § 466.07 and other applicable law be abrogated to eliminate standards for defense and indemnification, then standards for defense and indemnification determinations shall be committed to the sole discretion of the City Attorney, giving due consideration to the policy described above, until such time as this policy is revised.

Employees who are defended and indemnified under this policy have an affirmative duty to cooperate with the City.

C. Procedures

The City Attorney or designee is responsible for the development, establishment, and maintenance of procedures to implement and support this policy, and to ensure the policy is in compliance with applicable laws, City ordinances, policies, and rules.