

RESOLUTION 2020-02

A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS APPROVING REIMBURSEMENT OF LEGAL EXPENSES INCURRED BY ELECTED AND APPOINTED OFFICIALS, TOWN EMPLOYEES, AND VOLUNTEER BOARD AND COMMISSION MEMBERS IN DEFENDING CHARGES ARISING FROM THE PERFORMANCE OF THEIR OFFICIAL TOWN DUTIES, UNDER CERTAIN CONDITIONS.

WHEREAS, pursuant to § 54-2(B) of the Code of the Town of St. Michaels (the “Town Code”) and Resolution 2020-01, the Commissioners of St. Michaels (the “Commissioners”) have determined that Commissioners are entitled to reimbursement from the Town of St. Michaels (the “Town”) for legal expenses incurred in connection with preparing for, and representation during, a hearing before the St. Michaels Ethics Commission, under certain conditions; and

WHEREAS, the Commissioners are desirous of further providing that elected and appointed officials, Town employees, and volunteer Town board and commission members shall also be entitled to reimbursement from the Town for legal expenses incurred in defending charges arising from the performance of their official duties, subject to the conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS:

Section 1. The provisions of this Resolution apply to the following individuals, who shall collectively be referred to herein as “Town Officials and Employees”:

- A. The Commissioners of St. Michaels (the “Commissioners”);
- B. Members of the following Boards and Commissions:
 - a. Board of Appeals;
 - b. Ethics Commission;
 - c. Historic District Commission;
 - d. Housing Authority;
 - e. Parks & Recreation Advisory Board;
 - f. Planning Commission; and
 - g. Waterways Management Advisory Board; and
- C. All full-time and part-time Town employees.

Section 2. Town Officials and Employees, when defending themselves as individuals against charges arising from the performance of their official duties and within their scope of employment, are entitled to be represented by legal counsel of their choice and to be reimbursed for their legal expenses by the Town, subject to the conditions set forth herein.

Section 3. As used herein, the term “legal expenses” shall mean reasonable attorney’s fees and other direct costs incurred in connection with preparing for and representing Town Officials and Employees in any legal action initiated against such individual and arising from the performance of his or her official duties.

Section 4. The Commissioners shall have the sole authority to determine the reasonableness of any attorney’s fees for which reimbursement is requested. Notwithstanding the foregoing, no reimbursement of legal expenses shall exceed fifteen thousand dollars unless otherwise approved by the Commissioners in their sole discretion and only in cases of appeals taken from the initial legal action initiated.

Section 5. If any Town Official or Employee is ultimately adjudicated to be liable for the charges filed against him or her, then he or she shall refund to the Town all legal expenses for which he or she received reimbursement from the Town upon terms and conditions to be approved by the Commissioners.

Section 6. Requests for reimbursement of legal expenses shall be submitted to the Town by the Town Official or Employee’s attorney and, once approved by the Commissioners, paid by the Town directly to such individual’s attorney within thirty (30) days.

Section 7. The Commissioners shall not approve any reimbursement of any legal expenses for which insurance coverage is available.

THIS RESOLUTION 2020-02 HAVING BEEN ADOPTED by the following ye and nay vote of The Commissioners of St. Michaels on the 11th day of March, 2020.

Boos	-	yea
Bibb	-	yea
Harrod	-	yea
Winton	-	yea
Glackin	-	yea – by absentee ballot

I HEREBY CERTIFY that Resolution 2020-02 was adopted by a ye and nay vote of The Commissioners of St. Michaels on the 11th day of March 2020.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS



Jean R. Weisman, Town Clerk/Manager

 (SEAL)

William E. Boos, President