

**STATE OF GEORGIA**

**CITY OF HIRAM**

**ORDINANCE NO. 2024-07**

**ENACTING A NEW ORDINANCE REGARDING THE DEFENSE AND INDEMNIFICATION OF CITY OFFICIALS AND EMPLOYEES**

**WHEREAS**, in accordance with O.C.G.A. § 45-9-21, Georgia municipalities are authorized as a part of the compensation and terms of employment of members of their governing bodies and the city’s employees to adopt policies whereby the municipality will undertake to defend specified civil, criminal, or quasi-criminal actions brought or maintained against members of the municipality and its employees which arise out of the performance of their duties or in any way connected therewith;

**WHEREAS**, pursuant to this statutory authorization, the City Council believes it appropriate to enact an ordinance authorizing the City to defend specified actions brought or maintained against members of the municipality and/or its employees which arise out of the performance of their duties or in any way connected therewith;

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council as follows:

**1.**

The Code of Ordinances, City of Hiram, Georgia, is hereby amended by adding a new Section 2-112 of Article V of Chapter 2, entitled “Indemnification,” which section shall read as set forth in full on the attached Exhibit A, which exhibit is incorporated herein by reference.

**2.**

This ordinance revision shall be effective as of its passage and shall apply to any matter then pending or arising in the future.

**3.**

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

**4.**

Nothing contained in this ordinance is intended to nor shall it operate as a waiver of any immunities afforded by law.

5.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

6.

All other aspects of the Code of Ordinances, City of Hiram, Georgia shall remain in full force and effect.

SO ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HIRAM THIS

4th DAY OF June, 2024.

Frank R. Moran  
Mayor Frank Moran

Melissa R. Bayardelle  
Mayor Pro Tem Melissa R. Bayardelle, Post 3

Robert Tressel  
Councilmember Robert Tressel, Post 1

Tiffany Carroll  
Councilmember Tiffany Carroll, Post 2

Derrick Battle  
Councilmember Derrick Battle, Post 4

Doris Devey  
Councilmember Doris Devey, Post 5

Attest: Melissa Chosewood  
Melissa Chosewood, City Clerk



**Chapter 2 - ADMINISTRATION**

**ARTICLE V. - PERSONNEL**

**Sec. 2-112. Indemnification for Actions Arising Out of the Performance of Duties.**

- (a) In accordance with O.C.G.A. § 45-9-21, as part of the compensation and terms of employment, the City shall undertake to defend criminal or quasi-criminal actions brought or maintained against the City's elected officials, appointees, and employees arising out of the performance of their duties or in any way connected therewith.
- (b) Subsection (a) shall not apply to any person charged with a criminal offense involving theft, embezzlement, or other like crime with respect to the property or money of or in which the City has an interest. However, in the event someone charged with such crimes is found not guilty or the charges are dismissed, then the City is authorized to reimburse the person for the cost of their defense.
- (c) The City may expend state, federal, and local funds to effectuate the provisions of this Section, including, but not limited to, attorney's fees, court costs, deposition costs, witness fees and compensation, and all other like costs, expenses, and fees.