

RESOLUTION NO. 2016-72

AMENDING CHAPTER 654, "SUBPOENAS AND INDEMNIFICATION OF EMPLOYEES," OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees the Authority codified the resolutions establishing its policies and procedures; and

WHEREAS, over the years, many of the resolutions have been amended; and

WHEREAS, at the present time, the Authority deems it necessary to review, revise and update the codified rules and regulations; and

WHEREAS, the Authority has conducted a review and determined that certain portions of Chapter 654, "Subpoenas and Indemnification of Employees," must be revised.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That Section 654.01 is hereby amended to read as follows:

654.01 COMPLYING WITH SUBPOENAS AND SUMMONS SERVED UPON THE GCRTA.

(a) Any employee, upon receipt of any subpoena or summons involving the GCRTA's business, shall deliver it immediately to the General Counsel, Deputy General Manager for Legal Affairs, or his or her designee. The purpose of this policy is to ensure timely compliance with all subpoenas and summonses, and to protect the legal interests of the Authority and its employees.

(b) All subpoenas and summonses referred to the Legal Department will be handled in accordance with its internal procedures.

Section 2. That Section 654.02 is hereby amended to read as follows:

654.02 INDEMNIFICATION POLICIES.


(a) GCRTA shall comply with its statutory duties to defend and/or indemnify employees, as outlined in Ohio Revised Code Chapter 2744, as the same may be amended from time to time.

(b) In circumstances not governed by Ohio Revised Code Chapter 2744, defense and/or indemnification may be available under the GCRTA Bylaws.

Section 3. That Section 654.03 is deleted in its entirety.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted: August 16, 2016



President

Attest: 

CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: AMENDING CHAPTER 654, "SUBPOENAS AND INDEMNIFICATION OF EMPLOYEES," OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	Resolution No.: 2016- 72
	Date: August 11, 2016
	Initiator: Legal
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This resolution will amend Chapter 654 of the Codified Rules and Regulations ("Code") of the Greater Cleveland Regional Transit Authority.
- 2.0 DESCRIPTION/JUSTIFICATION: The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution 1989-176. The code book has been updated periodically. It is now time for a comprehensive review and update so that the updated Code will conform to the current structure and operations of the Authority.

Section 654.01 is being amended to require subpoenas be delivered to the Deputy General Manager - Legal Affairs. Section 654.02 is being amended to require indemnification of employees in accordance with Ohio Revised Code Chapter 2744. Section 654.03 is being deleted because it is duplicative of revised Section 654.02.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: Adoption of the resolution will result in a clear, accurate and current policy.
- 6.0 ECONOMIC IMPACT: Does not apply.
- 7.0 ALTERNATIVES: Not adopting this resolution. Not adopting this resolution would result in Chapter 654 remaining out of date.
- 8.0 RECOMMENDATION: It is recommended that this resolution be adopted.
- 9.0 ATTACHMENTS: Redline copy of revisions to Chapter 654.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



 CEO, General Manager/Secretary-Treasurer

CHAPTER 654

Legal Subpoenas and Indemnification of Employees

- 654.01 Complying with subpoenas and summons served upon the GCRTA.
- 654.02 Indemnification policies.
- ~~654.03 Legal defense and indemnification of employees involved in collisions.~~

CROSS REFERENCES

Indemnification - see Bylaws Art IX., Sec. 4

~~Indemnification policies and procedures - see PERS. Ch. 629~~

654.01 COMPLYING WITH SUBPOENAS AND SUMMONS SERVED UPON THE GCRTA.

(a) ~~It is the policy of GCRTA to instruct any~~ Any employee, upon receipt of any subpoena or summons involving the GCRTA's business, shall deliver it immediately to the General Counsel, Deputy General Manager for Legal Affairs, or his or her designee. The purpose of this policy is to ensure timely compliance, ~~either by U.S. mail or messenger, to deliver the same directly to the DGM Legal Affairs or his/her designee. This policy is to assure timely and complete compliance with all subpoenas and summonses, and to protect the legal interests of the Authority and its employees.~~

(b) All subpoenas and summonses referred to the Legal Department will be handled in accordance with its internal procedures.

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13. Res. 2016-XXX.
Passed 7-XX-16.)

654.02 INDEMNIFICATION POLICIES.

(a) ~~The CEO/General Manager is authorized by Resolution of the Board of Trustees to prepare and to implement indemnification policies and procedures for the Authority in conformity with the Bylaws and the Ohio Revised Code, and to make such changes thereafter as may be necessary from time to time to conform to the policies and programs of the Board of Trustees and changes in applicable law~~ GCRTA shall comply with its statutory duties to defend and/or indemnify employees, as outlined in Ohio Revised Code Chapter 2744, as the same may be amended from time to time.

(b) ~~The CEO/General Manager is authorized by resolution of the Board of Trustees to conduct an investigation and review of each indemnification claim submitted to the Authority and to communicate with the Board of Trustees or issue~~

~~such report and make such recommendations to the Board of Trustees as may be necessary for its action. In circumstances not governed by Ohio Revised Code Chapter 2744, defense and/or indemnification may be available under the GCRTA Bylaws.~~

~~(c) The Board of Trustees shall make the final determination of all indemnification claims submitted to the Authority, except as outlined in the Bylaws.~~

~~(d) Refer to procedures set forth in Section 629.02 of the Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority. (Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13. Res. 2016-XXX. Passed 7-XX-2016.)~~

~~654.03 LEGAL DEFENSE AND INDEMNIFICATION OF EMPLOYEES INVOLVED IN COLLISIONS.~~

~~(a) The GCRTA has established a policy for addressing the issues of use of non-Authority owned vehicles by Authority employees, accident reporting, legal defense, legal liability, insurance requirements, and insurance cost.~~

~~(b) This policy is to assure employees who use their vehicles for Authority business of the legal protection afforded them by the Authority.~~

~~(c) The Authority shall provide counsel for the legal defense of an employee who is sued for damages for alleged negligence as the result of his/her use of a non-Authority owned vehicle, provided that the employee's allegedly negligent act or omission occurred while the employee was acting both in good faith and not manifestly outside the scope of employment or official responsibilities. By such use, the employee consents to the Authority's selecting legal counsel of its choice for any such litigation.~~

~~(d) The Authority shall indemnify an employee for any settlement that its legal counsel negotiates on behalf of the employee in such litigation and/or for any judgment rendered against the employee in such litigation in which it provides a defense, unless the finder of fact in such actions determines that the employee's acts or omissions were manifestly outside the scope of the employee's employment or official responsibilities, or the employee's acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner.~~

~~(e) The GCRTA will continue to defend and indemnify employees who are operating GCRTA owned vehicles in accordance with applicable local and state laws. (Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~