

EXPLANATION: This Ordinance amends Section 2-24 and updates the ordinance to be consistent with N.J.S.A. 40a:14-155 and the PBA contract language of defense coverage as required by law.

**TOWNSHIP OF BEDMINSTER
ORDINANCE No. 2026-001**

**AN ORDINANCE AMENDING CHAPTER II ENTITLED
“ADMINISTRATION” OF *THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF BEDMINSTER,
1984*, SECTION 2-24 ENTITLED “INDEMNIFICATION
AND DEFENSE” WHICH PROVIDES FOR THE
INDEMNIFICATION AND DEFENSE OF PUBLIC
EMPLOYEES AND OFFICIALS OF THE TOWNSHIP.**

[New language in **bold and underline**, deleted language ~~double strikethrough~~]:

WHEREAS, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, *et seq.*, specifically, N.J.S.A. 59:10-4, the Township is permitted to provide an indemnification and defense for claims against Township employees and officials when the acts of such officials and employees so alleged to no constitute actual fraud, actual malice, willful misconduct or an intentional wrong; and

WHEREAS, the Township finds it to be in the best interest of the Township of Bedminster to establish policy and procedures for the indemnification and defense of public employees and officials.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bedminster, County of Somerset State of New Jersey as follows:

Section 1. Chapter II, entitled “Administration” of *The Revised General Ordinances of the Township of Bedminster, 1984*, **Section 2-24 entitled “Indemnification and Defense” is hereby supplemented and amended** ~~to create new Section 2-24 entitled “Indemnification and Defense”~~ to read as follows:

2-24 INDEMNIFICATION AND DEFENSE

2-24.1 Authority, Duty and Scope.

- a. Except as hereinafter provided, the Township of Bedminster shall, upon the request of any present or former official, employee or appointee of Bedminster Township, provide indemnification and legal defense of any civil action brought against said person or persons arising from an act or omission falling within the scope of their public duties.
- b. For the purposes of this section, Bedminster Township's duty and authority to defend and indemnify shall extend to a cross-claim or counterclaim against said person.
- c. The terms of this section and the definitions of "official," "employee" and "appointee" are to be construed liberally in order to effectuate the purposes of this Section.
- d. Bedminster Township may indemnify a person for exemplary or punitive damages resulting from that person's civil violation of state or federal law, if, in the opinion of Bedminster Township Committee, the acts committed by the person to be indemnified upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong.

2-24.2 Civil Proceedings.

- a. Bedminster Township shall provide for the defense of and indemnify the defendant or defendants in a civil action if the person or persons involved:
 1. **With regard to police officers only, the action or legal proceeding arose out of and was directly related to the lawful exercise of police powers in furtherance of official duties, excluding a defense for disciplinary charges brought by the Township;**
 2. Acted or failed to act in a matter in which the Township has or had an interest.
 3. Acted or failed to act in the discharge of a duty imposed or authorized by law.
 4. Acted or failed to take action in good faith.
- b. Bedminster Township may refuse to provide for the defense and indemnification of any civil action referred to herein if the Bedminster Township Committee determines that:
 1. **With regard to police officers only, the action or legal proceeding did not arise out of and was not directly related to the lawful exercise of police powers in furtherance of official duties;**

2. The act or omission did not occur within the scope of a duty authorized or imposed by law;
3. The act or failure to act was the result of actual fraud, willful misconduct or actual malice of the person requesting defense and indemnification; or
4. The defense of the action or proceeding by Bedminster Township would create a conflict of interest between Bedminster Township and the person or persons involved.

2-24.3 Proceedings Other Than Civil Actions.

In any other action or proceeding, including criminal proceedings, Bedminster Township may provide for the defense of a present or former official, employee or appointee if the Bedminster Township Committee concludes that such representation is in the best interest of Bedminster Township and that the person to be defended acted or failed to act in accord with the standards set forth in Subsection 2-24.2 herein.

2-24.4 Exclusive Control by Township.

Whenever Bedminster Township provides for the defense of any action set forth herein and as a condition of such defense, Bedminster Township may assume exclusive control over the representation of such person defended, and such person shall cooperate fully with the Township.

2-24.5. Provisions for Defense.

Bedminster Township may provide for the defense pursuant to this Section by authorizing the Municipal Attorney to act in behalf of the person being defended, or by employing other counsel for this purpose, or by asserting Bedminster Township's right under any appropriate insurance policy that requires the insurer to provide the defense.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Bedminster, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Bedminster are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

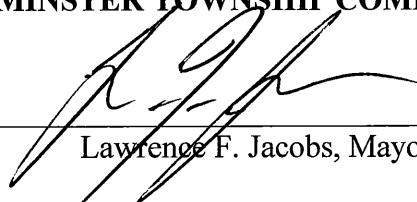
Section 5. This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

Introduced by: Cw Gina Lisa-Fernandez
Passed: January 20, 2026
Published: January 25, 2026
Adopted: February 2, 2026

ATTEST:

BEDMINSTER TOWNSHIP COMMITTEE:

By: 
Robin A. Ray, Municipal Clerk

By: 
Lawrence F. Jacobs, Mayor

| Introduced | Seconded | Township Committee | Aye | Nay | Abstain | Absent |
|------------|----------|---------------------------|-----|-----|---------|--------|
| | | Lawrence F. Jacobs, Mayor | | | | |
| | | R. Colin Hickey | | | | |
| | | Renee M. Mareski | | | | |
| | | Gina Lisa-Fernandez | | | | |
| | | William M. Rosen | | | | |