
PART 2 - MUNICIPAL GOVERNMENT
Division 14 - Council Members, Officers and Employees
Indemnification

Subdivision 1- Definitions and Interpretation

- 2.14.1. 1. “indemnify” means to pay the amounts required or incurred
- (a) to defend an action or prosecution brought against a person in connection with the exercise or intended exercise of the person’s powers or the performance or intended performance of the person’s duties or functions;
- (b) to satisfy a judgment, award or penalty imposed in an action or prosecution referred to in paragraph (a); or
- (c) in relation to an inquiry under the Public Inquiry Act, or to another proceeding, that involves the administration of the District or the conduct of District business,
- but does not extend to a fine that is imposed as a result of a conviction for an offence, other than a strict or absolute liability offence;
2. “municipal official” means
- (a) a current or former member of Council;
- (b) a current or former employee or officer of the District; or
- (c) a person who is or was a person referred to in section 738 (1) of the Local Government Act, but only in relation to the exercise of powers or performance of duties or functions for or on behalf of the District,
- but does not include an independent service provider, professional advisor or contractor engaged by the District from time to time on a fee for service basis; and
3. “willful misconduct” in relation to a municipal official, includes, without limitation, willfully acting contrary to the terms and conditions of his or her employment or to a lawful direction or order of a superior.

Subdivision 2 - Indemnity

- 2.14.2. 1. The District will indemnify every municipal official against an action or prosecution brought against the municipal official, including, for certainty, reasonable legal costs incurred in relation to the proceeding, if the person to be indemnified:

(a) promptly, after being served with a document initiating an action or prosecution, delivers a copy of same to the District's corporate officer;

(b) does not admit or assume liability, enter into a settlement, or enter a guilty plea except with the approval of Council;

(c) consents in writing to the District having sole discretion to appoint and instruct legal counsel, conduct all necessary investigations, to negotiate and settle the action or prosecution, provided that if the person believes they have an interest that is in conflict with the interest of the District the person is entitled to independent legal counsel; and

(d) assists in providing and securing information, evidence, and witnesses, and cooperates with the District and their legal counsel in the defence of the action or prosecution

2. The Council will not seek indemnity against a municipal official in respect of any action of the municipal official which results in a claim for damages against the District, except where a court of competent jurisdiction makes a finding that the person has been guilty of dishonesty, gross negligence, or malicious or willful misconduct.