

# DISTRICT OF TAYLOR BYLAW NO. 853, 2022

## A Bylaw to Provide Indemnification of Municipal Officials

WHEREAS under *Local Government Act* Section 740(2)(a), a local government may, by bylaw, provide indemnity to municipal officers, employees and elected officials acting reasonably and in good faith in performing the duties and functions of their positions within the District;

NOW THEREFORE, the Council for the District of Taylor, in open meeting assembled, enacts as follows:

### 1. TITLE

This bylaw may be cited as "Indemnification of Municipal Officials Bylaw No. 853, 2022".

### 2. DEFINITIONS

2.1 In this bylaw:

**"Community Charter"** means the *Community Charter* (SBC 2003) Chapter 26 as amended.

**"Council"** means the duly elected Mayor and Councillors of the District of Taylor.

**"District"** means the District of Taylor.

**"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 of the performance or intended performance of the person's duty or functions;
- b) To satisfy a judgement, 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 conduct of District business;
- d) but does not extend to a fine that is imposed as a result of a conviction for an offense, other than a strict or absolute liability offence.

**"Local Government Act"** means the *Local Government Act* (RSBC 2015) Chapter 1, and as amended.





2. **DEFINITIONS** (continued)

2.1 In this bylaw:

**“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 on behalf of the District, but
- d) 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.

**“Willful misconduct”** means in relation to a municipal official, includes without limitation, willfully acting contrary to the terms and conditions of his or her employment, legislation governing elected officials or to a lawful direction or order of a superior.

3. **INDEMNIFICATION**

3.1 The District will indemnify its municipal officials against an action or prosecution brought against a 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 the 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; and
- d) Assists in providing and securing information, evidence, and witnesses, cooperates with the District and their appointed legal counsel in the defense of the action or prosecution.

3.2 Notwithstanding Section 3.1, 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.



4. VALIDITY

If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.

READ FOR THE FIRST THREE TIMES THIS 2nd DAY OF May, 2022

ADOPTED THIS 16th DAY OF May, 2022

Rob Fraser  
Mayor

Tyla Pennell  
Corporate Officer