

THE CORPORATION OF THE VILLAGE OF HAZELTON

BYLAW NO. 472, 2014

A Bylaw to provide for the indemnification of municipal officials

WHEREAS, the *Local Government Act*, section 287.2 authorizes the Village to enact a bylaw to provide indemnity to municipal officers, employees and elected officials acting reasonably and in good faith in performing the duties and functions of their positions with the Village;

NOW THEREFORE, the Council of the Village of Hazelton, in open meeting assembled, ENACTS AS FOLLOWS:

Interpretation

1. In this Bylaw:

“**Village**” means the Village of Hazelton;

“**Council**” means the Council for the Village;

“**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 persons duties or function;
- (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 Village or the conduct of Village 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;

“**Municipal official**” means

- (a) a current or former member of Council;
- (b) a current or former employee or officer of the Village; or
- (c) a person who is or was a person referred to in section 287(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 Village; but does not include an independent service provider, professional advisor or contractor engaged by the Village from time to time on a fee for service basis; and

“Willful misconduct” in relation to a municipal official includes, without limitation, willfully acting contrary to the terms of his or her employment or to a lawful direction or order of a superior.

2. The Village will indemnify its municipal officials against a prosecution or an action brought against a municipal official including, for certainty, reasonable legal costs incurred in relation to the proceeding, provided that 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 Village’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 Village 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 and cooperates with the Village and appointed legal counsel in the defense of action or prosecution.
3. 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 Village 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. Citation

This Bylaw may be cited as **Village of Hazelton Indemnification Bylaw No. 472, 2014.**

READ A FIRST TIME THIS 2nd DAY OF DECEMBER, 2014.

READ A SECOND TIME THIS 2nd DAY OF DECEMBER, 2014.

READ A THIRD TIME THIS 2nd DAY OF DECEMBER, 2014.

RECONSIDERED AND FINALLY ADOPTED THIS 9th DAY OF DECEMBER, 2014


MAYOR


CHIEF ADMINISTRATIVE OFFICER