

VILLAGE OF GOLD RIVER

BYLAW NO. 726, 2020

A BYLAW TO PROVIDE INDEMNIFICATION FOR MUNICIPAL OFFICIALS

WHEREAS the Community Charter and the *Local Government Act* authorizes the Village to enact a bylaw to provide for the indemnification against proceedings of its municipal officials.

NOW THEREFORE, Council for the Village of Gold River, in open meeting assembled, enacts as follows;

TITLE

1. This Bylaw may be cited as “Indemnification for Municipal Officials Bylaw No. 726, 2020”.

INTERPRETATION

2. In this Bylaw:

“Council” means the Village of Gold River elected officials.

“Village” means the Village of Gold River.

“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.

Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require.

A reference to an Act in this Bylaw refers to a statute of British Columbia, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

INDEMNIFICATION

3. The Village shall indemnify every municipal official against an action or prosecution brought against the municipal official, including, for certainty, any costs reasonably required or incurred to defend an action or prosecution brought against the municipal official in connection with the exercise or intended exercise of his or her powers or the performance or intended performance of his or her duties or functions, including amounts required to satisfy a judgment, award or penalty imposed in such an action or prosecution or in relation to any inquiry under the *Public Inquiry Act*, or to another proceeding, that involves the administration of the municipality or the conduct of municipal business, 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 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, provided that if the person believes they have an interest that is in conflict with the interest of the Village the person is entitled to independent legal counsel; and
- d) assists in providing and securing information, evidence, and witnesses, and cooperates with the Village and their legal counsel in the defence of the action or prosecution.

EXCEPTIONS

- 4. The Village 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.

SEVERABILITY

- 5. If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder of the Bylaw continues to be valid.

REPEAL

- 6. Village of Gold River Council Members, Officers and Employees Indemnification Bylaw No. 632, 2002 and its associated amendments are hereby repealed.

READ A FIRST TIME THIS	9th	DAY OF	September, 2020.
READ A SECOND TIME THIS	9th	DAY OF	September, 2020.
READ A THIRD TIME THIS	9th	DAY OF	September, 2020.
FINALLY ADOPTED THIS	21st	DAY OF	September, 2020.

B. Unger
Mayor

B. McRae
Corporate Administrator