

# THE CORPORATION OF THE VILLAGE OF SALMO

## BYLAW #549

### A BYLAW TO INDEMNIFY MEMBERS OF COUNCIL, OFFICERS AND EMPLOYEES AGAINST DAMAGES AND THE COSTS OF LEGAL PROCEEDINGS

WHEREAS section 287.2 of the *Local Government Act* authorizes Council to provide by bylaw for the indemnification of its members of council, officers and employees against claims for damages and the legal costs incurred in a Court proceeding arising of the claim.

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

#### SHORT TITLE

1. This Bylaw may be cited as the "**INDEMNIFICATION BYLAW**"

#### 2. INTERPRETATION

(1) In this bylaw:

"Council" represents the Council of the Village of Salmo;

"Village" represents the Village of Salmo;

"Officers and Employees" include, but are not limited to:

(a) a member of Council;

(b) a member of a commission established under section 176 (1) (g) of the *Local Government Act*;

(c) a member of the Board of Variance;

(d) an officer or employee;

(e) a volunteer firefighter.

(2) The term "Council member," "officer" and "employee" include those who were members of Council, officers or employees, as applicable, at the time the cause of action took place in respect of which a claim for damages against that person or against the Village is brought or alleged.

#### 3. INDEMNITY

(1) The Village will indemnify a member of Council, an officer or an employee against a claim for damages against him or her arising from performance of his or her duties. The Village will pay the legal costs incurred in a court proceeding resulting from a claim.

(2) Section 3 (1) does not apply where the member of Council, officer or employee has been deemed by the Court to have acted dishonestly, grossly negligent, whose misconduct has been malicious, or who has committed an act of libel or slander.

#### 4. INDEMNITY AGAINST MEMBERS OF COUNCIL, OFFICERS OR EMPLOYEES

(1) Where the action of a member of Council, officer or employee results in a claim for damages against the Village, the Village may seek indemnity or reimbursement from that person, only when:

(a) the claim is the result of gross negligence;

(b) in the matter of an officer or employee, that person acted contrary to a term of his or her employment or an order of a supervisor, including a direction set by Council in relation to the action that resulted in the claim.

**ENACTMENT**

- 4. (1) 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.
- (2) This Bylaw shall come into full force and effect on final adoption.

READ A FIRST TIME  
READ A SECOND TIME  
READ A THIRD TIME  
RECONSIDERED AND FINALLY ADOPTED

this 13<sup>th</sup> day of September, 2005  
this 13<sup>th</sup> day of September, 2005  
this 13<sup>th</sup> day of September, 2005  
this 11<sup>th</sup> day of October, 2005

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Village Clerk

Certified a true copy of Bylaw #549, as adopted.

\_\_\_\_\_  
Village Clerk