



## BYLAW NO. 287

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### A BYLAW TO INDEMNIFY REGIONAL DISTRICT OFFICIALS AGAINST THE COST OF LEGAL PROCEEDINGS

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**WHEREAS** the Regional District may, pursuant to Section 740 of the *Local Government Act*, provide indemnification against the cost of legal proceedings for Regional District officials when acting reasonably and in good faith to perform their duties and functions;

**AND WHEREAS** the Regional District wishes to provide for the indemnification of its officials in accordance with the provisions of the *Local Government Act*;

**NOW THEREFORE** the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

#### Definitions

1. In this bylaw,

**'official'** means a regional district official as defined in s.740 of the *Local Government Act*.

**'indemnify'** means to pay the amounts required:

- (a) to defend against a claim, action or prosecution brought against an official in connection with the exercise or intended exercise of the official's powers or the performance or intended performance of the official's duties or functions;
- (b) to satisfy a judgement, award or penalty imposed in connection with a claim, 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 Regional District or the conduct of the Regional District's business;

but does not extend to a fine imposed as a result of a conviction for an offence, other than a strict or absolute liability offence.

**'proceeding'** means an action, trial, hearing or application before a court, tribunal or other body that has authority to impose civil or criminal penalties, but does not include a proceeding before the Board of Directors.

**'reasonable legal costs'** means the out of pocket costs, including disbursements, that are incurred by an official or by the Regional District in seeking, retaining or engaging legal counsel with respect to a proceeding covered by this bylaw.

**Indemnification of Officials**

2. The Regional District will indemnify an official against a claim, action or prosecution brought against the official, including reasonable legal costs incurred in relation to the proceeding, provided that the official for whom indemnification is sought complies with the provisions of this bylaw.

**Requirement to Notify Regional District**

3. Officials covered by this bylaw must, immediately upon receipt, provide to the Regional District every notice of civil claim, originating application, letter or other document relating to a claim made against them and for which indemnity is or may be claimed under this bylaw as soon as reasonably practicable.

**Refusal to Indemnify Official**

4. The Regional District may refuse indemnification in any case where an official has:
  - (a) failed to notify the Regional District in accordance with the requirements of this bylaw;
  - (b) failed to cooperate with the Regional District in its defence of the claim, prosecution, appeal or other proceeding;
  - (c) interfered with the Regional District's investigation into a claim, or with the settlement, negotiation or other proceeding related to that claim; or
  - (d) voluntarily assumed liability or settled a claim without notifying the Regional District beforehand.

**Appointment of Legal Counsel**

5. The Regional District or its insurer shall have sole discretion to appoint and instruct legal counsel with respect to defending against a claim, prosecution or other proceeding for which an official may seek indemnification under this bylaw.

**Specific Cases**

6. Nothing in this bylaw precludes an official from applying, pursuant to s.740(2)(b)(ii) of the *Local Government Act*, for a Regional Board resolution to indemnify the official in a specific case.

**Repeal**

7. Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 2186, 1999 as adopted on November 29, 1999 by the Board of Directors of the Comox-Strathcona Regional District is repealed in its entirety.

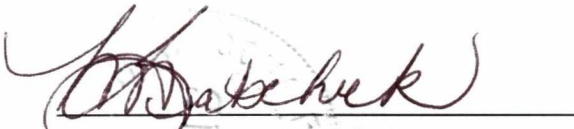
**Citation**

8. This bylaw may be cited for all purposes as Bylaw No. 287, being Regional District Officials Indemnification Bylaw 2017.

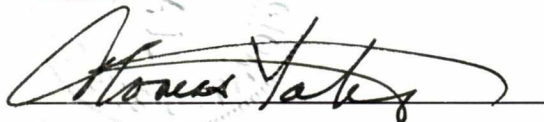
READ A SECOND TIME ON THE 25<sup>TH</sup> DAY OF JANUARY, 2018

READ A THIRD TIME ON THE 25<sup>TH</sup> DAY OF JANUARY, 2018

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 25<sup>TH</sup> DAY OF JANUARY, 2018



Chair



Corporate Officer