

**VILLAGE OF PORT CLEMENTS
BYLAW NO. 310, 2000**

**A BYLAW TO INDEMNIFY MEMBERS OF COUNCIL
OFFICERS AND EMPLOYEES AGAINST DAMAGES AND
COST OF LEGAL PROCEEDINGS**

WHEREAS section 287.2 of the *Local Government Act* authorizes a municipality to provide by bylaw for the indemnification of its members of council, officers and employees against claims for damage and to pay the legal costs incurred in a court proceeding out of the claim.

NOW, THEREFORE, the Council of the Village of Port Clements in open meeting assembled enacts as follows:

1. Interpretation

1.1. In this bylaw:

"Act" means the *Local Government Act*.

"Council" means the council of the municipality.

"Municipality" means the Village of Port Clements.

"Officers and employees" means officers and employees of the Municipality and includes the person described in section 287.2(7) of the Act.

1.2. The words "council member", "officer" and "employee" include persons who were members of council, officers or employees of the Municipality, as applicable, at the time the cause of action arose in respect of which a claim for damages against that person or against the municipality is brought or alleged.

2. Indemnity

2.1. The Municipality will indemnify a member of Council, an officer or an employee against a claim for damages against him or her arising out of the performance of his or her duties and, in addition, will pay legal costs incurred in a court proceeding arising out of the claim.

2.2. Section 2.1 does not apply where claim against the person arises because the member of Council, officer or employee acted dishonestly, was grossly negligent, behaved maliciously or willfully or committed an act of libel or slander, in relation to the subject matter of the claim.

3. Recovery of Damages

3.1. Where any action of a member of Council, officer or employee results in a claim for damages against the Municipality, the Municipality may seek indemnity or reimbursement from that person, if:

3.2. the claim arises out of the gross negligence of the member of Council, officer or employee; or

3.3. in the case of an officer or employee, that person acted contrary to a term of his or her employment or an order of a superior, including a direction of Council in relation to the action that gave rise to the claim.

4. Citation

4.1. This Bylaw may be cited as "Council Members, Officers and Employees Indemnification Bylaw No. 310, 2000".

5. Coming Into Force

5.1. This bylaw shall come into force and take effect on and after the date of adoption.

READ A FIRST TIME THIS 11th day of SEPTEMBER, 2000

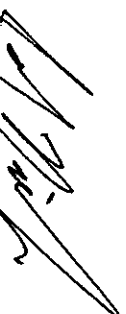
READ A SECOND TIME THIS 11th day of SEPTEMBER, 2000

READ A THIRD TIME THIS 11th day of SEPTEMBER, 2000

ADOPTED THIS 18th day of SEPTEMBER, 2000



Jgan Ann Allen
Mayor



John E. Nielsen
Chief Administrator

Certified to be a true copy