



VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 1190, 2023

A bylaw to provide for the indemnification of Council Members, Officers or Employees

WHEREAS the Council of the Village of Harrison Hot Springs has deemed it advisable to establish an Indemnification bylaw for a current or former council members, current or former municipal officers or employees.

AND WHEREAS under Section 740 (Indemnification against proceedings for Local Government Officials) of the *Local Government Act*, Council may provide for the indemnification of municipal officials.

NOW THEREFORE in open meeting assembled, the Council of the Village of Harrison Hot Springs enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs, Indemnification Bylaw. No 1190, 2023".

2. INTERPRETATION

In this Bylaw:

"Council" means the Council of the Village of Harrison Hot Springs.

"Indemnity" 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 person's duties or functions,
- (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 municipality or the conduct of municipal business;

As a limit on indemnification, a council must not pay a fine that is imposed as a result of a municipal official, being convicted of an offence that is not a strict or absolute liability.

"Municipal official" means

- (a) a current or former member of Council,
- (b) a current or former employee or officer of the Village; or

- (d) a person who is or was a person referred to in Section 738 (1) of the *Local Government Act* (immunity for individual municipal local public officers), but only in relation to the exercise of powers in the 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.

“**Village**” means the Village of Harrison Hot Springs.

“**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 supervisor.

3. INDEMNITY

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:

- (i) promptly, after being served with a document initiating an action or prosecution, delivers a copy of the same to the Village’s Corporate Officer;
- (ii) does not admit or assume liability, enter into a settlement, or enter a guilty plea except with the approval of Council;
- (iii) 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 of prosecution; and
- (iv) assists in providing and securing information, evidence, and witnesses, and cooperates with the Village and appointed legal counsel in defence of the action or prosecution.

4. SEVERABILITY

If any provision of this Bylaw is held to be invalid, the invalid portion shall be severed from the bylaw and that invalidity shall not affect the remainder of the bylaw.

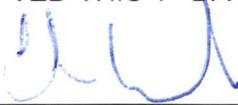
READINGS AND ADOPTION

READ A FIRST TIME THIS 17th DAY OF APRIL, 2023

READ A SECOND TIME THIS 17th DAY OF APRIL, 2023

READ A THIRD TIME THIS 17th DAY OF APRIL, 2023

ADOPTED THIS 1st DAY OF MAY, 2023



 Mayor
 Ed Wood



 Acting Corporate Officer
 Kelly Ridley