



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

“Indemnification Against Proceedings Bylaw, 2000, No. 7239”

CONSOLIDATED FOR CONVENIENCE – JULY 13, 2015

Amendment Bylaw, 2010, No. 8068	Section 3
Amendment Bylaw, 2015, No. 8427	Section 3, 7 and 10

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 7239

A Bylaw to provide for protection, defence or indemnification of a Municipal Public Officer

WHEREAS Section 287.2 of the *Local Government Act* R.S.B.C. 1996 c. 323, as amended, provides that Council may, by bylaw, provide indemnification of municipal officials in accordance with the bylaw;

AND WHEREAS adoption of such a bylaw is deemed advisable;

NOW THEREFORE, The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

1. This Bylaw shall be known and cited for all purposes as **“Indemnification Against Proceedings Bylaw, 2000, No. 7239”**.

2. In this Bylaw unless the context otherwise requires:

“Municipal Public Officer” means and shall include present and former municipal public officers of the City including persons set out in Section 287(1)(a), (d), (g), (h), (l), (o) and (p) of the “Municipal Act” R.S.B.C. 1996 c. 323, as amended but does not include independent contractors engaged by the City from time to time or professionals including but not limited to lawyers, accountants, architects, planners, engineers and others who advise the City from time to time on a fee for service basis; or a member of the Royal Canadian Mounted Police.”

3. The City will indemnify any Municipal Public Officer against any claim, action, prosecution, complaint, or other proceeding of any nature brought against such Municipal Public Officer as a result of or relating to the performance or intended performance of such Municipal Public Officer’s duties, whether arising during or after their term of office or employment with or service to the City and Lonsdale Energy Corporation, including without limitation any damages, awards, fines, penalties, legal costs and reasonable out-of-pocket costs that may be incurred by the Municipal Public Officer, but excluding any fine imposed as a result of a Municipal Public Officer’s conviction for an offence that is not a strict or absolute liability offence.” *[Amendment Bylaw 8427, July 13/15]*

4. The City will not seek indemnity against any Municipal Public Officer where any action of that Municipal Public Officer results in a claim for damages against the City by a third party unless the claim arises out of the gross negligence of the Municipal Public Officer or, in relation to the action that gave rise to the claim against the Municipal Public Officer, the Municipal Public Officer wilfully acted contrary to the terms of their employment or an order of a superior.

5.
 - (a) Where indemnity under this Bylaw is or may be claimed by any Municipal Public Officer, such Municipal Public Officer shall immediately, upon receipt thereof, forward to the City every Statement of Claim, Writ, letter, document, or advice relating to an actual or potential claim against such Municipal Public Officer in respect of which indemnity is or may be claimed under this Bylaw.
 - (b) Where indemnity under this Bylaw is or may be claimed by a Municipal Public Officer, such Municipal Public Officer shall not:
 - (i) voluntarily assume any liability or settle any claim except at the Municipal Public Officer's own cost and no indemnification will be paid in relation thereto; or
 - (ii) interfere with the City in any negotiation settlement or in any legal proceedings with respect to such claim;and that whenever requested by the City such Municipal Public Officer shall:
 - (iii) aid in securing of information and evidence and the attendance of witnesses and shall, where required by the City, give evidence or statements in writing or orally; and
 - (iv) co-operate with the City in the defence of any action or proceedings or in the prosecution of any appeal taken by the City on behalf of the Municipal Public Officer.
6. Compliance by any Municipal Public Officer with the provisions of Section 5 of this Bylaw constitutes a condition precedent to the City's ability to indemnify such Municipal Public Officer as provided in this Bylaw.
7. Where indemnity under this Bylaw has been claimed by a Municipal Public Officer the City will keep the Municipal Public Officer apprised of the status of any negotiation settlement or legal proceedings with respect to the action against the Municipal Public Officer. *[Amendment Bylaw 8427, July 13/15]*
8. The provisions of this Bylaw shall not apply to:
 - (a) the defence of a Municipal Public Officer arising from a criminal proceeding; or
 - (b) a matter or action where damages are claimed by the City against a Municipal Public Officer.
9. "Staff Indemnification Bylaw, 1975, No. 4866" and "Staff Indemnification Bylaw, 1975, No. 4866, Amendment Bylaw, 1976, No. 4883" are hereby repealed.

10. If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect. *[Amendment Bylaw 8427, July 13/15]*

READ a first time by the Council on the 3rd day of April, 2000.

READ a second time by the Council on the 3rd day of April, 2000.

READ a third time and passed by the Council on the 3rd day of April, 2000.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the 10th day of April, 2000.

"Barbara A. Sharp"
MAYOR

"Bruce A. Hawkshaw"
CITY CLERK