

THE CORPORATION OF THE CITY OF PENTICTON

BYLAW NO. 2012-5012

A BYLAW TO INDEMNIFY MUNICIPAL PUBLIC OFFICERS

WHEREAS Section 287.2 of the *Local Government Act* provides that a Council may do the following:

- (a) By bylaw, provide for the indemnification of municipal officials in accordance with the bylaw;
- (b) By resolution in a specific case, indemnify a municipal official.

NOW THEREFORE, the Council of the City of Penticton, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "CITY OF PENTICTON INDEMNIFICATION BYLAW 2012 NO. 5012".

2. Definitions

In this Bylaw, unless the context otherwise requires:

"CITY" means the City of Penticton;

"COUNCIL" means the Council of the City;

"OFFICER or EMPLOYEE" means:

- (a) members of a commission established by the City;
- (b) members of a select or standing committee of Council who are not also members of Council;
- (c) members of the City Board of Variance;
- (d) members of an advisory committee of Council;
- (e) volunteers who participate in the delivery of services by the City or by a body referred to in subsections (a) through (d) under the supervision of a person referred to in paragraphs (f) or (g);
- (f) an individual employed with the City under a Collective Agreement between the City and CUPE Local 608 and IAFF 1399; and
- (g) those individuals employed by the City who are excluded from the Collective Agreement.

3. Former Council Members, Officers and Employees

The terms "member of Council" and "Officer or Employee" include persons who are former members of Council, officers or employees, as applicable, but only in relation to the exercise of powers or the performance of duties or functions for or on behalf of the City.

4. Indemnification

The City will:

- (a) defend an action brought against a member of Council, Officer or Employee 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) indemnify a member of Council, Officer or Employee against a judgment or award imposed in an action referred to in paragraph 4(a).

5. Indemnity against Members of Council, Officers or Employees

For any action of a member of Council, officer or employee that results in a claim for damages against the City, in accordance with the *Local Government Act* the City may seek indemnity or reimbursement from that person where a court makes a finding that the person has been guilty of dishonesty, gross negligence or malicious or wilful misconduct.

6. Repeal

"INDEMNIFICATION BYLAW NO.3336" is hereby repealed.

PASSED FIRST READING this 23rd day of January, 2012.

PASSED SECOND READING this 23rd day of January, 2012.

PASSED THIRD READING this 23rd day of January, 2012.

ADOPTED this 25th day of January, 2012.



Dan Ashton, Mayor

Karen Burley, Corporate Officer