

# **REGIONAL DISTRICT OF COMOX-STRATHCONA**

## **BYLAW NO. 2186**

### **A BYLAW TO INDEMNIFY DIRECTORS, OFFICERS AND EMPLOYEES AGAINST LEGAL PROCEEDINGS.**

WHEREAS section 255 and 847 of the Municipal Act authorize a Regional District to provide by bylaw for the indemnification of its members of board, directors, officers and employees against claims for damages and the costs of legal proceedings.

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

#### **1.0 INTERPRETATION**

In this bylaw:

- 1.1 The words "directors, officers and employees" include, but are not limited to:
  - a) members of the Regional District Board of Variance;
  - b) members of an Electoral Area Advisory Planning Commission;
  - c) Regional District election officers;
  - d) volunteer Regional District firefighters;
  - e) Alternate Directors;
  - f) members of the Comox Valley Sewage Commission;
  - g) members of the Strathcona Gardens Commission;
  - h) members of the Comox Valley Sports Centre Commission; and
  - i) any volunteer who participates in the delivery of services by the Regional District or by the bodies referred to in paragraphs g) and h) under the supervision of an officer or employee of the Regional District.
- 1.2 The words "Board member," "directors", "officers" and "employee" include persons who were members of board, directors, officer or employees, as applicable, at the time the cause of action arose in respect of which a claim for damages against that person or against the Regional District is brought or alleged;
- 1.3 "Board" means the board of the Regional District.
- 1.4 "Regional District" means the Regional District of Comox-Strathcona.

#### **2.0 INDEMNITY**

- 2.1 The Regional District will indemnify a member of the board, a director, 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 the member of board, director, officer or employee has acted dishonestly, grossly negligent, whose misconduct has been malicious or wilful or who has committed an act of libel or slander.

### 3.0 INDEMNITY AGAINST MEMBERS OF BOARD, DIRECTORS, OFFICERS OR EMPLOYEES

Where any action of a member of board, director, officer or employee results in a claim for damages against the Regional District, the Regional District shall seek indemnity or reimbursement from the person, only where:

- a) the claim arises out of the gross negligence of the member of board, director, officer or employee; or
- b) in the case of an director, 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 board in relation to the action that gave rise to the claim.

### 4.0 CITATION

This Bylaw may be cited as “Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 2186, 1999.”

### 5.0 COMING INTO FORCE

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

### 6.0 REPEAL

Bylaw No. 953 cited as “Regional District of Comox-Strathcona Indemnification Bylaw 1987” is hereby repealed.

**READ A FIRST AND SECOND TIME THIS      29<sup>TH</sup>    DAY OF      NOVEMBER      1999.**

**READ A THIRD TIME THIS                    29<sup>TH</sup>    DAY OF      NOVEMBER      1999.**

**ADOPTED THIS                                    29<sup>TH</sup>    DAY OF      NOVEMBER      1999.**

***“Dot Andrews”***

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Chair

***“Barbra Whitehead”***

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Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2186 “Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 2186, 1999.” as adopted by the Board of the Regional District of Comox-Strathcona on the 29<sup>th</sup> day of November, 1999.

***“Barbra Whitehead”***

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Secretary