

THE CORPORATION OF THE VILLAGE OF ASHCROFT

BYLAW NO. 824

A bylaw to provide for the indemnification of municipal officials and to establish the remuneration and reimbursement of expenses for members of Council.

Whereas under the *Local Government Act*, section 740(2)(a), a local government may, by bylaw, provide indemnity to municipal officers, employees and elected officials acting reasonably and in good faith in performing the duties and functions of their positions with the Village;

And whereas Council may, by bylaw, provide for remuneration to Council members for discharge of the duties of office and for payment of expenses incurred when Council members represent the Village, engage in Village business;

Now therefore, the Council for the Corporation of the Village of Ashcroft, in open meeting assembled, enacts as follows:

DEFINITIONS

1. In this bylaw:

“Community Charter” means the *Community Charter [SBC 2003], Chapter 26* and as amended.

“Council” means the duly elected Mayor and Councillors of the Village of Ashcroft.

“indemnify” 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 of the performance or intended performance of the person’s duty or functions;
- (b) to satisfy a judgement, 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 Village or the conduct of Village business;
- (d) but does not extend to a fine that is imposed as a result of a conviction for an offense, other than a strict or absolute liability offence.

“Local Government Act” means the *Local Government Act [RSBC 2015], Chapter 1*, and as amended.

“municipal official” means:

- (a) a current or former member of Council;
- (b) a current or former employee or officer of the Village; or
- (c) a person who is or was a person referred to in section 738(1) of the *Local Government Act*, but only in relation to the exercise of powers or performance of duties or functions on behalf of the Village; but

- (d) 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.

“willful misconduct” means in relation to a municipal official, includes, without limitation, willfully acting contrary to the terms and conditions of his or her employment, legislation governing elected officials, or to a lawful direction or order of a superior.

“Village” means the Corporation of the Village of Ashcroft located in British Columbia.

INDEMNIFICATION

2. The Village will indemnify every municipal official against an action or prosecution brought against the municipal official, including, for certainty, reasonable legal costs incurred in relation to the proceeding, if the person to be indemnified:
 - (a) promptly, after being served with a document initiating an action or prosecution, delivers a copy of the same to the Village’s Corporate Officer;
 - (b) does not admit or assume liability, enter into a settlement, or enter a guilty plea except with the approval of Council;
 - (c) 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 or prosecution, provided that if the person believes they have an interest that is in conflict with the interest of the Village the person is entitled to independent legal counsel; and
 - (d) assists in providing and securing information, evidence, and witnesses, cooperates with the Village and their legal counsel in the defense of the action or prosecution.
3. Notwithstanding section 2, the Council will not seek indemnity against a municipal official in respect of any action of the municipal official which results in a claim for damages against the Village, except where a court of competent jurisdiction makes a finding that the person has been guilty of dishonesty, gross negligence, or malicious or willful misconduct.

REMUNERATION AND TRAVEL EXPENSES

4. The following remuneration and expenses will be carried out in accordance to the Village’s *Council Annual Remuneration Policy, No. 1.6*, and as amended:
 - (a) remuneration for the duly elected Mayor of the Village of Ashcroft;
 - (b) remuneration for each duly elected Councillor for the Village of Ashcroft;
 - (c) reimbursement of travel expenses directly associated with the roles and responsibilities required to carry out Village business.
5. Pursuant to Section 168 of the Community Charter, at least once a year Council must have a report prepared which separately lists for each Council member the total amount of remuneration paid to the member for discharge of the duties of the office, including any amount specified as an expense allowance.
6. In January of every year containing a general municipal election, Council will create a committee to review the amount of remuneration provided to the Mayor and each Councillor.

CITATION

This bylaw may be cited for all purposes as “Village of Ashcroft Indemnification and Council Remuneration Bylaw No. 824, 2018”.

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| READ A FIRST TIME THIS | 24 th | DAY OF | September | , 2018 |
| READ A SECOND TIME THIS | 24 th | DAY OF | September | , 2018 |
| READ A THIRD TIME THIS | 24 th | DAY OF | September | , 2018 |
| RECONSIDERED AND ADOPTED THIS | 22 nd | DAY OF | October | , 2018 |

Jack Jeyes, Mayor

J. Michelle Allen, Chief Administrative Officer

Certified to be a true and correct copy
of Bylaw No. 824 as adopted by
Council.

J. Michelle Allen, Chief Administrative Officer

WR/kw