

CENTRAL COAST REGIONAL DISTRICT

BYLAW NO. 428

A bylaw to amend indemnification of directors, officers, employees against legal proceedings in accordance with the *Local Government Act* and to repeal Bylaw 306, 1999.

WHEREAS section 287.2 of the *Local Government Act* authorizes a regional district to provide by bylaw for the indemnification of its members of board, directors, officers, employees against claims for damages and costs of legal proceedings arising out of the claim;

NOW THEREFORE the Regional Board of the Central Coast Regional District, in an open meeting assembled, enacts as follows:

1.0 Citation

This bylaw may be cited for all purposes as “Indemnity Directors, Officers and Employees Bylaw 428, 2014”.

2.0 Interpretation

In this bylaw:

- 2.1 the words “directors”, “officers” and “employees” include, but are not limited to:
 - (i) members of the regional district board of variance;
 - (ii) members of regional district commissions;
 - (iii) regional district election officers;
 - (iv) alternate directors;
 - (v) volunteer firefighters
- 2.2 The words “directors”, “officers” and “employees” include persons who were directors, officers or employees of the Regional District, 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;
- 2.3 “Board” means the board of the Regional District;
- 2.4 “Regional District” means the Central Coast Regional District;
- 2.5 “Volunteer firefighters” means the fire chief, firefighters and auxiliary members of the Bella Coola fire department assisting in the day to day operation of the fire department and including the delivery of fire protection services.

3.0 Indemnity

3.1 The Regional District will indemnify a director, an officer, 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.

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3.2 Subsection (3.1) does not apply where the director, officer, employee or member of the commission has acted dishonestly or grossly negligent or whose misconduct has been malicious or wilful or who has committed an act of libel or slander.

4.0 Indemnity against members of board, directors, officers or employees

4.1 Where any action of a member of a 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 gross negligence of the member of the board, director, officer or employee; or
- (b) in the case of a 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 the board in relation to the action that gave rise to the claim.

5.0 Repeal

Central Coast Regional District Bylaw No. 306 being “Directors, Officers and Employees Indemnification Bylaw No. 306, 1999” is hereby repealed.

READ A FIRST TIME THIS _____ day of _____, 2014.

READ A SECOND TIME THIS _____ day of _____, 2014.

READ A THIRD TIME THIS _____ day of _____, 2014.

RECONSIDERED AND ADOPTED this _____ of _____, 2014.

Chairperson

Corporate Administrator

I, Darla Blake, Corporate Administrator for the Central Coast Regional District, hereby certify this to be a true and correct copy of Bylaw No. 428, 2014, cited as the “Indemnity Directors, Officers and Employees Bylaw 428, 2014”, as adopted.

Corporate Administrator

Rationale:

The current Bylaw No. 306 cited as “Directors, Officers and Employees Indemnification Bylaw No. 306, 1999” is outdated, with older references to the Municipal Act which has been replaced with the *Local Government Act*.