

District of West Vancouver



# **Municipal Officials Indemnification Bylaw No. 4486, 2006**

Effective Date – September 18, 2006

# Municipal Officials Indemnification Bylaw No. 4486, 2006

A Bylaw to indemnify municipal officials pursuant to section 187 of the *Community Charter* and section 287.2 of the *Local Government Act*.

The Council of the District of West Vancouver enacts as follows:

## Part 1 Citation

- 1.1 This bylaw may be cited as “Municipal Officials Indemnification Bylaw No. 4486, 2006”.

## Part 2 Repeal

- 2.1 Officers and Employees Indemnification Bylaw No. 2973, 1981 (adopted on May 19, 1981) and the following amendment bylaws are hereby repealed:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 3941, 1995	April 03, 1995
Bylaw No. 4178, 1999	July 05, 1999.

## Part 3 Severability

- 3.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

## Part 4 Definitions

- 4.1 In this bylaw:

“**Council**” means the Council of the District;

“**District**” means the District of West Vancouver;

**“Municipal Official”** means a current or former:

- (a) Council member;
- (b) employee of the District, the West Vancouver Memorial Library Board or the West Vancouver Police Board;
- (c) Officer;
- (d) member of the West Vancouver Memorial Library Board;
- (e) member of the West Vancouver Police Board;
- (f) member of the Board of Variance;
- (g) member of a committee appointed by Council; or
- (h) member of a commission appointed by Council.

**“Officer”** means those persons who are or were appointed as officers by bylaw or resolution by Council, the West Vancouver Memorial Library Board or the West Vancouver Police Board.

## Part 5 Indemnification

5.1 Subject to subsection 5.2, the District will indemnify its Municipal Officials for any amounts required or incurred:

5.1.1 to defend an action or prosecution brought against a Municipal Official in connection with the exercise or intended exercise of the Municipal Official’s powers or the performance or intended performance of the Municipal Official’s duties or functions;

5.1.2 to satisfy a judgment, award or penalty imposed in an action or prosecution referred to in clause 5.1.1; or

5.1.3 in relation to an inquiry under Part 2 of the *Inquiry Act*, or to another proceeding, that involves the administration of the District or the conduct of District business.

5.2 Subsection 5.1 does not apply if:

5.2.1 the Municipal Official has, in relation to the conduct that is the subject matter of the action:

- (a) been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or

- (b) wilfully acted contrary to the Municipal Official's terms of employment or to an order of a superior; or
- (c) wilfully made a statement (verbal or written) that results in an action for libel or slander.

READ A FIRST TIME on September 11, 2006

READ A SECOND TIME on September 11, 2006

READ A THIRD TIME on September 11, 2006

ADOPTED by the Council on September 18, 2006

*[Original signed by Mayor]*

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Mayor

*[Original signed by Municipal Clerk]*

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Municipal Clerk