Indemnification Bylaw No. 9911

The Council of the City of Richmond enacts as follows:

PART ONE: DEFINITIONS

1.1 In this bylaw:

City

 means the City of Richmond;

Community Charter

 means the Community Charter [SBC 2003] c. 26, as amended;

Council

 means council of the City;

Local Government Act

 means the Local Government Act [RSBC 2015] c. 1, as amended;

Municipal Official

 means:

(a) a current or former member of Council;

(b) a current or former officer of the City;

(c) a current or former employee of the City;

(d) a member of a City commission established under section 143 of the Community Charter;

(e) a member of the City’s library board;

(f) a member of a City advisory planning commission under section 461 of the Local Government Act;

(g) a member of a City board of variance under Division 15 of Part 14 of the Local Government Act;

(h) an officer or employee of the City’s library board;
(i) a volunteer firefighter or a special constable;

(j) a volunteer who participates in the delivery of services by the City or a body referred to in paragraphs (d) to (g) above under the supervision of an officer or employee of the City or such body; or

(k) a member of a City standing or select committee who is not also a member of Council; and


PART TWO: INDEMNIFICATION

2.1 Subject to section 2.2, the City will indemnify a Municipal Official from and against amounts required or incurred by the Municipal Official:

(a) to defend an action or prosecution brought against the 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;

(b) to satisfy a judgment, award or penalty imposed in an action or prosecution referred to in section (a); or

(c) in relation to an inquiry under the Public Inquiry Act, or to another proceeding, that involves the administration of the City or the conduct of the City’s business.

2.2 The City will not indemnify a Municipal Official pursuant to this Bylaw in respect to a fine imposed as a result of a Municipal Official being convicted an offence that is not a strict or absolute liability offence.

2.3 The City will not seek indemnity against a Municipal Official in respect of any conduct of the Municipal Official that results in a claim for damages against the City, unless a court makes a finding that the Municipal Official has been guilty of dishonesty, gross negligence or malicious or wilful misconduct.

PART THREE: SEVERABILITY AND REFERENCE TO OTHER ACTS

3.1 If any section, sub-section, clause or sub-clause of this bylaw is, for any reason, held to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

3.2 Any reference to another enactment in this bylaw is a reference to the other enactment as amended or replaced, whether amended or replaced before or after the adoption of this bylaw.
PART FOUR: REPEAL AND CITATION

4.1 Bylaw No. 4896 is hereby repealed.

4.2 This bylaw may be cited as “Indemnification Bylaw No. 9911”.