

Bylaw 114

INDEMNIFICATION BYLAW NO. 114 – A bylaw to indemnify an officer of the improvement district against a claim for damages arising out of the performance of his/her duties and to pay legal costs incurred in a court proceeding arising out of the claim.

Adopted: December 17, 2003

The Trustees of Qualicum Bay – Horne Lake Waterworks District ENACT AS FOLLOWS:

1. In this bylaw “officer” means:
 - (a) A member of the board of trustees;
 - (b) An appointed member of an improvement district committee;
 - (c) An officer or employee of the improvement district;
 - (d) Any volunteer who participates in the delivery of services by the improvement district under supervision of an officer or employee of the improvement district.

2.
 - (a) The improvement district shall indemnify its officers against a claim for damages against them arising out of the performance of their duties and in addition pay the actual costs incurred by the officer in a court proceeding arising out of the claim.
 - (b) Section 2(a) applies in respect to a person who was an officer at the time he/she performed the duties out of which the claim arose, whether or not he/she is an officer at the time the claim for damages arises or the court proceeding arising out of the claim is commenced, prosecuted or concluded.
 - (c) Where any action of an officer results in a claim for damages against the improvement district, the board of trustees shall seek indemnity or reimbursement from the officer only where:
 - (i) the claim arises out of gross negligence of the officer; or
 - (ii) the officer acted contrary to the terms of his or her employment or an order of a superior in relation to the action that gave rise to the claim.

3. This bylaw may be cited as the “Indemnification Bylaw No. 114.”

INTRODUCED and given a first reading by the Trustees on the 17th day of December 2003.

RECONSIDERED and finally passed by the Trustees on the 17th day of December 2003.