

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 175-91

A BY-LAW TO AMEND PROCEDURAL BY-LAW 100-84
(INDEMNITY POLICY)

WHEREAS the council deems it desirable to establish a policy to indemnify members of council and non-union staff for action taken in good faith in the ordinary course of their duties to the extent permitted by law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. By-law No. 100-84 is hereby amended by adding the following section 94 thereto:

"Section 94:

- (a) Subject to the following provisions the council agrees to indemnify and save harmless its members and its non-union employees for necessary and reasonable legal costs incurred in the defence of statutory offences or complaints other than Criminal Code or Municipal Conflict of Interest offences, arising because of acts performed in good faith in the ordinary course of their employment or office.
- (b) The council may refuse payment under subsection (a) where in the opinion of the council, the actions of the member or non-union employee amounted to a gross dereliction of duty or deliberate abuse of the power.
- (c)
 - (i) The council may elect to provide legal counsel to defend a member or a non-union employee in any legal proceeding, whereupon the cost of such counsel shall be borne by the corporation regardless of the outcome of the proceedings.
 - (ii) Where the council elects to provide legal counsel under subsection (i), the corporation shall not be responsible for any other legal costs unless the counsel provided by City Council expresses the written opinion that it would be improper for him to act on behalf of another party to the charge or complaint.
- (d) For greater certainty, the Corporation shall not be liable to indemnify for legal costs arising from:
 - (1) the actions or omissions of members or non-union employees acting in their capacity as private citizens;
 - (2) disciplinary or discharge proceedings.


(e) In the section, necessary and reasonable legal costs shall be determined in the first instance by the approval of the account by the City Solicitor, or in the case of a dispute, taxation of the costs on a solicitor and client basis.

READ A FIRST TIME IN OPEN COUNCIL THE 26TH DAY OF AUGUST, 1991.

READ A SECOND TIME IN OPEN COUNCIL THE 3RD DAY OF SEPTEMBER, 1991.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 3RD DAY OF SEPTEMBER, , 1991.


MAYOR


CITY CLERK