

**REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN
BYLAW NO. 2587, 2012**

A bylaw to provide for the indemnification of Public Officers of the Regional District of Okanagan Similkameen against claims for damages arising out of the performance of their duties and for the payment of legal costs incurred in a Court or Administrative Tribunal proceeding arising out of such claim.

WHEREAS the Board of the Regional District of Okanagan Similkameen may, by bylaw, pursuant to Section 287.2 of the Local Government Act, provide that the Regional District of Okanagan-Similkameen (hereinafter referred to as the "Regional District") will indemnify its public officers, as defined in this bylaw, for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's power, or for any alleged neglect or default in the performance or intended performance of that person's duty or exercise of that person's power, and, in addition, pay legal costs incurred in a Court or Administrative Tribunal proceeding arising out of the claim;

AND WHEREAS the Regional Board may provide that the Regional District will not seek indemnity against its public officers, as defined in this bylaw where the actions of those public officers result in a claim for damages against the Regional District by a third party unless the public officer has been grossly negligent or has acted contrary to the terms of his employment or statutory-permitted duties or to an order of a superior;

AND WHEREAS, for the good rule and government of the Regional District it is deemed expedient that all public officers of the Regional District shall be afforded such protection in the performance of their respective duties on behalf of the Regional District;

THEREFORE the Regional District, in open meeting assembled, **ENACTS** as follows:

1. That no action for damages of any kind lies or may be instituted against a public officer or former public officer
 - (a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's power, or
 - (b) for any alleged neglect or default in the performance or intended performance of that person's duty or exercise of that person's power.
2. The Regional District shall, at its discretion, either assume the defence of a public officer against whom such claim for damages is made, or pay the legal costs and expenses incurred by the public officer in defending the claim.
3. The Regional District will indemnify a public officer against a judgment or award and will not seek indemnity against any of its public officers where the actions of any public officer results in a judgment or award against the Regional District by a third party, unless the public officer has been grossly negligent or has acted contrary to the terms of his employment of statutory-permitted duties or order of a supervisor.

4. Subsection (1) does not provide a defence if:
- (a) the public officer has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct, or
 - (b) the cause of action is libel or slander.
5. For the purpose of this bylaw, the term "**public officer**" means any of the following:
- (a) a director, or their alternate, of a regional board;
 - (b) a member of a commission established under section 176 (1) (g) [*corporate powers*] of the Local Government Act;
 - (c) a commissioner for a local community commission;
 - (d) a member of an advisory planning commission;
 - (e) a member of a board of variance;
 - (f) an officer or employee of a regional district;
 - (g) an election official and a regional voting officer;
 - (h) a volunteer firefighter or a special constable;
 - (i) a volunteer who participates in the delivery of services by the regional district under the supervision of an officer or employee of the regional district or any of those bodies;
 - (j) a member of a board committee, or of a committee under section 740.1 [*appointment of select and standing committees*] who is not also a member of the board, as applicable.

CITATION


6. This bylaw may be cited as "**Regional District of Okanagan-Similkameen Public Officers Indemnification Authorization Bylaw No. 2587, 2012.**"

REPEAL

7. Bylaw No. 1215, 1991 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME this 1st day of March, 2012.

ADOPTED this 1st day of March, 2012.


RDOS Board Chair


Chief Administrative Officer