

CITY OF DRUMHELLER

POLICY # 2-93

REIMBURSEMENT AND INDEMNIFICATION FOR
ACTION OR JUDGEMENT

THE PURPOSE OF THIS POLICY IS TO:

Provide administrative direction to all concerned on the subject of reimbursement or indemnification for actions, judgements, prosecutions, fines or penalties against any member of Council, Municipal Officials, Employees or Agents.

POLICY STATEMENT:

The City of Drumheller will reimburse or indemnify any member of Council, Municipal Official, Employee or Agent against any losses or expenses which they incur as a result of any injury relating to, or any action brought or judgement obtained against them arising out of their duties as a member of Council, Municipal Office, Employee or Agent. The City of Drumheller may reimburse or indemnify any member of Council, Municipal Official, Employee or Agent against any defence costs, fines or penalties which may be incurred as a result of any prosecution arising out of their duty as a Member of Council, Municipal Official, Employee or Agent.

ADOPTED BY COUNCIL

DATE: June 28, 1993

REIMBURSEMENT OR INDEMNIFICATION FOR
ACTION OR JUDGEMENT

1. RESPONSIBILITIES AND AUTHORITY

- 1.1 Subject to Section 2.4, the City Manager may enter into any agreement and to do everything necessary for the implementation of this Policy.
- 1.2 Any member of City Council, Municipal Official, Employee or Agent of the City to notify the City Solicitor upon being notified that any legal action is being commenced against them, arising out of their duties in the aforementioned positions.
- 1.3 A municipality may reimburse or indemnify any member of Council, Municipal Official, Employee or Agent against any losses or expenses which he incurs as a result of any inquiry relating to, or any action brought or judgement obtained against him arising out of, his duties as a member of Council, Municipal Official, Employee or Agent. (Section 401 Municipal Government Act).

2.0 REIMBURSEMENT AND INDEMNIFICATION

- 2.1 That the City of Drumheller will reimburse or indemnify any member of Council, Municipal Official, Employee or Agent against any losses or expenses which he incurs as a result of any injury relating to, or any action brought or judgement obtained against him arising out of his duties as a member of Council, Municipal Official, Employee or Agent.
- 2.2 The City of Drumheller reserves the right to defend in the name of and on behalf of the member of Council, Municipal Official, Employee or Agent and make such investigation, negotiation and settlement of any claim as may be deemed necessary or expedient of the City. In the event the City decides not to defend any action brought against a member of Council, Municipal Official, Employee or Agent, the City shall, nevertheless, pay on behalf of the Employee, such damages as are awarded against him but shall have the right to limit the amount it shall pay to the Employee for reimbursement of legal fees and costs.

2.0 REIMBURSEMENT AND INDEMNIFICATION - Continued

- 2.3 The City of Drumheller shall not be required to pay any fines or penalties levied or imposed against any member of Council, Municipal Official, Employee or Agent, by reason of any conviction or charge for any violation of any statute or by-law.
- 2.4 The City of Drumheller may, but only if authorized by resolution of Council, reimburse or indemnify a member of Council, Municipal Official, Employee or Agent for any defence costs, fines or penalties which may be incurred as a result of any prosecution arising out of their duties as a Member of Council, Municipal Official, Employee or Agent. The Act for which prosecution was brought should normally not arise from intentional conduct nor should it involve a driving offence. The conduct should normally be one where inadvertence or negligence occurred and the defence of due diligence was available but was not made out. The action in question should normally be one where the perpetrator can be considered morally blameless, or at least not deserving of a quasi-criminal penalty. Special consideration should be given in favour of providing reimbursement or indemnification if the offence involves a breach of a statute whose provisions may be obscure or not widely known such as the Environmental Protection and Enhancement Act.
- 2.5 The City of Drumheller reserves the right to dispense whatever discipline it may deem appropriate if an Official or Employee acting in the course of his duties goes beyond or short of or breaches what would be considered normal and prudent conduct for the relevant occupation.
- 2.6 Any member of the City Council, Municipal Official, Employee or Agent of the City to whom this policy applies, upon being notified that any legal action is being commenced against him, shall immediately notify the City Solicitor. This provision shall apply to any former member of Council, Municipal Official, Employee or Agent of the City.
- 2.7 The City Council is hereby authorized to enter into any agreement and to do all those things necessary for the implementation of this policy.

