

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1857

A Bylaw to Indemnify Officers, Employees, or Members of Council Against Claims for Damages Arising Out of the Performance of their Duties on Behalf of the City of Grand Forks

WHEREAS Section 287.2 of the Local Government Act empowers Council to indemnify officers, employees or members of Council against any claims for damages arising out of the performance of his duties and, in addition, pay legal costs incurred, in a court proceeding arising out of the claim;

AND WHEREAS Council for the City of Grand Forks deems it desirable to make such provision for its officers, employees, and members of Council;

NOW THEREFORE, the Council of the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS**, as follows:

1. This Bylaw may be cited for all purposes as the **“City of Grand Forks Officers, Employees and Council Members Indemnification Bylaw.”**
2. In this bylaw:
 - a. **“Officer”** includes all former officers;
 - b. **“Employee”** includes all former employees;
 - c. **“Members of Council”** includes all former Members of Council
3. The City of Grand Forks will indemnify its Officers, Employees and Members of Council against any claim for damages against an Officer, Employee or Member of Council which:
 - a. With respect to Officers and Employees, has arisen at any time subsequent to the date of commencement of his/her employment with the City;
 - b. With respect to members of Council, has arisen at any time subsequent to the date of his/her term of office on Council;
 - c. May arise out of the performance of his/her duties on behalf of the City and in addition, will pay legal costs incurred in a court proceeding arising out of the claim.
4. It shall be a condition of the City's obligation to indemnify an Officer, Employee or Member of Council that the said Officer or Employee or Member of Council agree that the City has the right to conduct the

defense of any claim and in its discretion to compromise or settle any claim. It is a further condition of the City's obligation to indemnify and Office or Employee or a Member of Council that the Officer or Employee or Member of Council co-operate fully in the defense of the claim and provide statements when requested by the City.

5. The City shall at its discretion, either assume the defense of an Officer or Employee or Member of Council against whom such claim for damages is made or pay the legal costs and expenses incurred by the Officer or Employee or Member of Council in defending the claim.
6. The City shall not seek indemnity against an Officer, Employee or Member of Council in respect of any action of the Officer, Employee or Member of Council, that results in a claim for damages against the City, but the City may seek indemnity against an Officer, Employee or Member of Council where the claim arises out of the gross negligence of the Officer, Employee or Member of Council, or where, in relation to the action that gave rise to the claim against an Officer or Employee, the Officer or Employee willfully acted contrary to the terms of his/her employment or an order of a Superior.
7. To the extent permitted by law and where other insurance or coverage is unavailable, this bylaw applies to persons referred to in Sections 287 and 287.2 of the Local Government Act.


Read a **FIRST** time this 3rd day of March, 2008.

Read a **SECOND** time this 3rd day of March, 2008.

Read a **THIRD** time this 3rd day of March, 2008.

FINALLY ADOPTED this 17th day of March, 2008.


Mayor Neil Krog


City Clerk – Lynne Burch

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No.1857, cited as **“City of Grand Forks Officers, Employees and Council Members Indemnification Bylaw.”**

Clerk of the Municipal Council of the
City of Grand Forks