

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 227

Being a by-law to provide indemnification for officers and employees of the Regional District of Central Okanagan against actions arising from the performance of their duties.

WHEREAS Section 262 of the Municipal Act R.S.B.C. 1979 Chapter 255 and amendments thereto provides for a procedure whereby the Regional Board may indemnify its officers and employees against claims for damages;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled enacts as follows:

1. In this By-law:

"officers and employees" means and shall include present officers and employees and former officers and employees of the Regional District of Central Okanagan against whom any claim for damages is brought arising out of the performance of their duties while they were officers or employees of the Regional District but does not include independent contractors engaged by the Regional District from time to time or professional persons such as lawyers, accountants, architects, planners, engineers and others who advise the Regional District from time to time on a fee for service basis;

"Regional District of Central Okanagan" means the body corporate of that name duly incorporated by Letters Patent pursuant to the provisions of the Municipal Act (British Columbia).

2. The Regional District of Central Okanagan will indemnify its officers and employees against claims for damages made after the final adoption of this by-law by third parties, whether the grounds for the claim arose before or after the date of final adoption of this by-law, against an officer or employee arising out of the performance of his duties, unless the officer or employee has been grossly negligent or has acted contrary to the terms and conditions of his employment or has acted contrary to the terms and conditions of an order given to him by a person in authority over him. When such indemnity is paid by the Regional District of Central Okanagan the Regional District of Central Okanagan will, in addition, pay legal costs incurred in any court proceedings arising out of the claim.

3. The Regional District of Central Okanagan will not seek Indemnity against its officers or employees where the actions of those officers or employees result in a claim for damages against the Regional District of Central Okanagan by a third party unless the officer or employee has been grossly negligent or has acted contrary to the terms and conditions of his employment or has acted contrary to the terms and conditions of any order given to him by a person in authority over him.

4./

- 4. (a) Where indemnity under this By-law is or may be claimed by any officer or employee such officer or employee shall immediately, upon receipt thereof, forward to the Regional District of Central Okanagan every Statement of Claim, Writ, letter, document or advice relating to a claim against him in respect of which indemnity is or may be claimed under this by-law.
- (b) Where indemnity under this by-law is or may be claimed by an officer or employee such officer or employee shall not:
 - (i) voluntarily assume any liability or settle any claim except at his own cost and no indemnification will be paid in relation thereto; or
 - (ii) interfere with the Regional District of Central Okanagan in any negotiation, settlement or in any legal proceedings with respect to such claim;

and that whenever requested by the Regional District such officer or employee shall:

- (iii) aid in securing of information and evidence and the attendance of witnesses and shall himself, where required by the Regional District of Central Okanagan, give evidence; and
- (iv) co-operate with the Regional District of Central Okanagan in the defence of any action or proceedings or in the prosecution of any appeal taken by the Regional District of Central Okanagan on behalf of the officer or employee.

5. Compliance by officers and employees with the provisions of Section 4 of this by-law constitutes a condition precedent to the Regional District of Central Okanagan's liability to indemnify officers or employees as provided in this by-law.

6. The Regional District of Central Okanagan's liability to indemnify officers and employees extends only to that portion of any damages or costs that are in excess of any insurance coverage that an officer or employee is entitled to in respect of the claim in question.

7. Where the masculine or singular is used in this By-law, the same shall be deemed to include the feminine and the plural where the same is applicable.

8. This by-law may be cited for all purposes as "Regional District of Central Okanagan Officers and Employees Indemnification By-law No. 227, 1982"

READ A FIRST TIME THIS 18th DAY OF January, 1982.

READ A SECOND TIME THIS 18th DAY OF January, 1982.

READ A THIRD TIME THIS 18th DAY OF January, 1982.

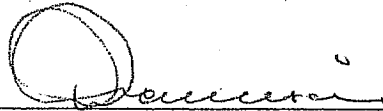
RECONSIDERED AND FINALLY ADOPTED THIS 18th DAY OF January, 1982.

James H. Stuart
Chairman

[Signature]
Secretary

I hereby certify that the foregoing is a true and correct copy of By-law No. 227, cited as "Regional District of Central Okanagan Officers and Employees Indemnification By-law No. 227, 1982" which was read a first, second and third time, reconsidered and finally adopted on the 18th day of January, 1982.

Dated at Kelowna, B.C. this
20th day of January, 1982.



Secretary