



## Council policy

**Policy Title:** **Indemnification of Council Citizen Appointments to Council Established Municipal Boards, Commissions, Authorities and Committees**

**Policy Number:** **CC040**

**Report Number:** **PFC2012-0288**

**Approved by/Date:** **Council/2012 June 25**

**Effective Date:** **2012 June 25**

**Last Amended:** **2016 March 14**

**Policy Owner:** **Law Department**

### **BACKGROUND**

The City of Calgary agrees to hold harmless members of City Council established Boards, Commissions, Committees and Authorities and pay on their behalf all sums members may be obligated to pay by reason of liability imposed by law upon them arising out of:

1. damages because of bodily injury, including death of any other person; and, or
2. physical damage of, or destruction of property, not owned by the member; and, or
3. any other form of civil legal liability arising out of the good faith performance or the intended performance of the member's duties;

provided always that the legal liability for damages arises out of any act, error or omission during the performance of a member's duties which are, or which the member believes in good faith to be, within the scope of his or her duties as a member of a City Council established Board, Committee, Commission or Authority.

The City further agrees to reimburse or indemnify such members for any losses or reasonable expenses which they incur personally as a result of any public inquiry or administrative proceeding relating to their duties as members of a Council established Board, Committee, Commission or Authority. Provided, however, that if such expenses include fees for services rendered by a lawyer, The City shall have the right to have the account taxed as provided for in the Alberta Rules of Court.

This policy further extends to cover members after they leave the Board, Committee, Commission or Authority of The City of Calgary, provided that the incident out of which a claim or demand or damage arose, actually occurred during the time the person was a member.



## **PURPOSE**

This policy provides the conditions under which indemnification for members of City of Calgary Boards, Commissions, Committees and Authorities will be provided.

## **POLICY**

1. The City of Calgary reserves the right to defend in the name of, and on behalf of, the member, and make such investigation, negotiation and settlement of any claim as may be deemed necessary or expedient by The City. In the event The City decides not to defend any action brought against a member, The City shall nevertheless pay on behalf of the member such damages as are awarded against the member but shall have the right to limit the amount it shall pay to the member for reimbursement of legal fees and costs;
2. The City of Calgary shall not be required to pay any members' fines or penalties levied or imposed against the member by reason of the member being charged with any violation or contravention of any statute or by-law;
3. Any member or former member to whom this policy applies upon being notified that any legal action is being or has been commenced against the member personally shall immediately notify the City Clerk;
4. Due to the varied activities in which the members are involved, the burden of proof that such member was involved in the business of The City, will rest with that member;
5. This policy shall take effect on the day it is approved by City Council.

## **PROCEDURE**

1. In situations in which the City Solicitor has determined that Council members or Council citizen appointees to Council established Boards, Commissions, Authorities and Committees should receive the benefit of these policies, if external legal fees and disbursements are incurred, the City Solicitor has the authority to pay external legal fees and disbursements which, in the sole discretion of the City Solicitor, are reasonable; and
2. Notwithstanding the Code of Conduct for Elected Officials Bylaw (Bylaw Number 26M2018):
  - a. in the event that The City becomes responsible for the payment of external legal fees and disbursements for a member of Council as a result of paragraph 1, that Council member may solicit donations to The City of Calgary to defray those amounts; and
  - b. in the event of litigation that has concluded prior to 2016 March 14 and for which The City is responsible for the payment of external legal fees and disbursements as a result of paragraph 1, the current member of Council for whom those fees and disbursements are to be paid by The City will be required to donate an



amount to The City equivalent to those fees and disbursements or solicit donations to The City for those amounts or a combination thereof.

### **AMENDMENTS**

<b>Date of Council Decision</b>	<b>Report / Bylaw</b>	<b>Description</b>
2016 March 14	VR2016-0013	Amended by Council Policy format updated as per <i>Council Policy Program</i> (CC046) effective 2016 January 01

### **REVIEWS**

<b>Date of Policy Owner's Review</b>	<b>Description</b>
2019 December 02	Minor revision to replace the reference to the rescinded "Gifts and Benefits Policy for Members of Council (CC043)", in the Procedure section, part 2 of this Council policy, with the "Code of Conduct for Elected Officials Bylaw (Bylaw Number 26M2018)".