

CITY OF PRINCE GEORGE

BYLAW NO. 5077

A Bylaw of the City of Prince George to indemnify its officers, employees, and members of its Council.

WHEREAS Council may, pursuant to Sections 262 of the Municipal Act, R.S.B.C., 1979, c. 290, provide by Bylaw that the City will indemnify an officer or employee of the City or a member of its Council against any claim for damages against an officer, employee or member of Council, arising out of the performance of his duties and, in addition, pay legal costs incurred in a Court proceeding arising out of the claim.

NOW THEREFORE, the Council of the City of Prince George in open meeting assembled, ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited for all purposes as the "City of Prince George Indemnification Bylaw No. 5077, 1990."

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"City" means the City of Prince George.

"Employee" means:

- a) a person employed for wages by the City, other than an officer,
- b) a member of a Library Board under the Library Act, R.S.B.C., 1979, c. 235,
- c) a person employed for wages by a Library Board under the Library Act, R.S.B.C., 1979, c. 235,
- d) a volunteer who participates in the delivery of services by a Library Board under the Library Act, R.S.B.C., 1979, c. 235, under the supervision of an officer or employee of that Board,
- e) a member of any civic commission under Division (2) of Part 17 of the Municipal Act, R.S.B.C., 1979, c. 290,

- f) a volunteer who participates in the delivery of services by a civic commission under Division (2) Part 17 of the Municipal Act, R.S.B.C., 1979, c. 290, under the supervision of an officer or employee of that commission,
- g) a member of an advisory planning commission under Section 955 of the Municipal Act, R.S.B.C., 1979, c. 290.
- h) a volunteer who participates in the delivery of services by an Advisory Planning Commission under Section 955 of the Municipal Act, R.S.B.C., 1979, c. 290, under the supervision of an officer or employee of that Commission,
- i) a special constable,
- j) a volunteer who participates in the delivery of services by the City under the supervision of an officer or employee of the City,

"Member of Council"

means a member of the Municipal Council of the City.

"Officer"

means a person appointed pursuant to the provisions of the Municipal Act, R.S.B.C. 1979, c.290, as an Officer of the City.

3. The City shall indemnify an Employee or Member of Council or Officer against a claim 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.
4. Subject to the provisions of any collective agreement in effect between the City and any of its employees, and to the term of any employment contract and subject to a resolution of City Council by a vote of not less than 2/3rds of all members pursuant to Section 262 (1) of the Municipal Act, R.S.B.C., 1979, c.290, the provisions of Section 3 hereof, do not apply in any case where an officer or employee or Member of Council:

- a) has been guilty of dishonesty, gross negligence or malicious or wilful misconduct, or
- b) the cause of action is libel or slander, or
- c) the officer or employee has wilfully acted contrary to:
 - (i) the terms of his employment, or
 - (ii) an order of a superior.

READ A FIRST TIME THIS THE 5th DAY OF MARCH , 1990.

READ A SECOND TIME THIS THE 5th DAY OF MARCH , 1990.

READ A THIRD TIME THIS THE 5th DAY OF MARCH , 1990.

All three readings passed by a unanimous decision of Members of City Council present and eligible to vote.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS THE 19th DAY OF MARCH , 1990, BY A UNANIMOUS DECISION OF ALL MEMBERS OF City COUNCIL PRESENT AND ELIGIBLE TO VOTE.


MAYOR


CLERK