

# Staff Report to Council

Administrative Services

FILE: 09-3900-02/25

**REPORT DATE:** March 03, 2025

**MEETING DATE:**

March 11, 2025

**TO:** Mayor and Council

**FROM:** Kate Barchard, Corporate Officer

**SUBJECT:** Indemnification Bylaw Update

**CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:**



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**RECOMMENDATION(S):**

THAT Council:

- A. Grant first, second, and third readings to Indemnification Bylaw No. 3016, 2025, as presented at the March 11, 2025 Council meeting; OR
  - B. Other.
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**PURPOSE**

The purpose of this report is to present to Council a new Indemnification Bylaw for their review and approval.

☐ Information Report

☐ Decision Report

☐ Direction Report

**DISCUSSION**

**Background:**

The City's Indemnification Bylaw was flagged for review this year as part of our good governance practices. Staff have now completed that review and, although the recommended changes are minor, are recommending a repeal and replacement to bring the bylaw up to current standards. Please see **Attachment A** for a copy of the recommended draft bylaw.

## Relevant Policy, Bylaw or Legislation:

**Community Charter**, section 187 [*Indemnification against proceedings*] – allows a municipality to indemnify its elected officials, employees and other City representatives in accordance with the scope established by the Local Government Act.

**Local Government Act**, section 740 [*indemnification against proceedings*] – establishes the parameters and limitations for indemnifying municipal officials against actions or prosecutions brought against them in connection with the performance of their duties.

## Analysis:

The City's Indemnification Bylaw provides legal and financial protection for Council members, employees, and other City officials against legal actions resulting from the performance of their City duties. The *Local Government Act (LGA)* establishes the parameters and limits to how and when a local government may indemnify its officials; the current Indemnification Bylaw exercises the full scope of that authority. Overall, the current bylaw is legislatively sound; Staff have only minor amendments to recommend at this time.

### Current provisions:

The current bylaw indemnifies all groups allowed by the *LGA*, including Council members, employees, volunteer firefighters, committee members and other City volunteers who work under the supervision of a City employee. The scope of the indemnification is limited by the provisions of the *LGA [section 740]*, including the following examples:

- The City can indemnify a person against liability claims, but not criminal offences;
- The City can indemnify a person for matters related to the performance of their City-related functions, but not for personal or other matters;
- The City can indemnify an employee, but not a contractor or independent service provider.

### Recommended additions:

Staff recommend the following minor amendments to this bylaw, which are marked in red font in Attachment A:

- Updates to provincial legislation references (see preamble and section 4.d.iv);
- Inclusion of standard interpretation clauses included in all new City bylaws (see sections 2 and 3);
- Clarification of the groups of individuals included in the definition of 'City Official' (see section 4) [*\*this change to the definition does not change or expand the groups of individuals covered by the indemnification bylaw, but simply makes it more transparent*]; and

### **COUNCIL STRATEGIC PLAN ALIGNMENT**

- ☒ Principled Governance    ☐ Balanced Economic Prosperity    ☐ Infrastructure  
☐ Community Spirit & Wellbeing    ☐ Corporate Pride    ☐ Public Safety
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### **WORKPLAN IMPLICATIONS**

- ☒ Already accounted for in department workplan / no adjustments required  
☐ Emergent issue / will require deferral of other priority(ies)  
☐ Other
- 

### **FINANCIAL IMPLICATIONS**

- ☒ None    ☐ Budget Previously Approved    ☐ Referral to Business Planning  
☐ Other

The amendments to this bylaw do not expand the scope of indemnification offered to City officials. Therefore, there are no financial implications associated with this report.

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### **PUBLIC PARTICIPATION**

- ☒ Inform    ☐ Consult    ☐ Involve    ☐ Collaborate    ☐ Empower
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### **KATZIE FIRST NATION CONSIDERATIONS**

Referral    ☐ Yes    ☒ No    ☐ Other

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### **SIGN-OFFS**

**Written by:**

Kate Barchard,  
Corporate Officer

**Reviewed by:**

Mark Roberts,  
Chief Administrative Officer

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### **ATTACHMENT(S):**

A. Indemnification Bylaw No. 3016, 2025