



TOWN OF HIGH RIVER POLICY

Policy Number:	POL-24-100-01
Policy Title:	Indemnification of Members of Council
Related Procedure Number:	N/A
Related Procedure Name:	N/A
Approval Date:	May 9, 1994
Revision Date:	December 14, 2009
Policy Category:	Legal
Responsible Department:	Chief Administrative Officer

Background:

The Town of High River (the "Town") will indemnify Councillors for any losses actually suffered or expenses actually incurred as a result of any public inquiry, civil action brought or civil judgement obtained against him or her, relating to his or her duties as a Councillor. Provided, however, that if such expenses include fees rendered by a lawyer, the Town shall have the right to have the account taxed as provided for in the *Alberta Rules of Court*.

Policy Statement:

1. The Town reserves the right to defend in the name of, and on behalf of, the Councillor, and make such investigation, negotiation and settlement of any claim as may be deemed necessary or expedient by the Town. In the event the Town shall nevertheless pay on behalf of the Councillor such damages as are awarded against him or her but shall have the right to limit the amount it shall pay to the Councillor for reimbursement of legal fees and costs. In no event shall the Town be responsible to pay a damage award made against a Councillor for exemplary or punitive damages;
2. The Town shall not be required to pay any fines or penalties levied or imposed against a Councillor by reason of the Councillor being charged with any violation of any statute or bylaw;
3. Due to the varied activities in which Councillors are involved, the burden of proof that such Councillor was acting in good faith and in the course and scope of the duties of his or her position will rest with that member.

Eligibility:

This policy is intended to cover a Councillor during or subsequent, to his or her term of office acting in good faith and within the scope of his or her duty. A Councillor shall not be indemnified for any action initiated by the Councillor, including any Counterclaim arising from any action initiated by the Councillor or for any criminal or quasi-criminal prosecution.

Responsibilities:

- Any Councillor or former Councillor to whom this policy applies upon being notified that any legal action is being commenced against them shall immediately notify the Town Manager.
- Town Manager to, immediately following notification, advise the Town Solicitors and Insurers of pending action.

Approval:

This policy shall come into force and effect upon adoption by Council at a Regular or Special Meeting and shall not apply retroactively.

May 9, 1994 Regular Meeting of Council
Resolution #168/94 – Rescinded Resolution #403/2009

**December 14, 2009 Regular Meeting of Council
Resolution #404/2009**

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF
LEGISLATIVE AND ADMINISTRATIVE SERVICES

DATE