



TOWN OF HIGH RIVER POLICY

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| Policy Number: | POL-24-101-00 |
| Policy Title: | Indemnification of Municipal Employees and Officers |
| Related Procedure Number: | N/A |
| Related Procedure Name: | N/A |
| Approval Date: | December 14, 2009 |
| Revision Date: | |
| Policy Category: | Legal |
| Responsible Department: | Chief Administrative Officer |

Background:

The Town of High River (the "Town") will indemnify Employees for any losses actually suffered or expenses actually incurred as a result of any civil action brought or civil judgement obtained against him or her, relating to his or her employment as an Employee of the Town. 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*.

This policy further extends to cover Employees after they leave the employment of the Town, provided the incident out of which a claim, judgement or damage arose, actually occurred during the time the Employee was employed by the Town.

Policy Statement:

1. The Town reserves the right to defend in the name of, and on behalf of, the Employee, 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 decides not to defend any action brought against the Employee, the Town shall nevertheless pay on behalf of the Employee such damages as are awarded against him or her but shall have the right to limit the amount it shall pay to the Employee for reimbursement of legal fees and costs. In no event shall the Town be responsible to pay a damage award made against an Employee for exemplary or punitive damages.
2. The Town shall not be required to pay any Employees' fines or penalties levied or imposed against an Employee by reason of the Employee being charged with any violation of any statute or bylaw;
3. The burden of proof that the Employee was acting in good faith and in the course and scope of the duties of his or her employment will rest with that Employee.

Eligibility:

This policy is intended to cover a Employee during or subsequent, to his or her employment with the Town who was acting in good faith and within the scope of his or her employment. Employees shall not be indemnified for any action initiated by the Employee, including any Counterclaim arising from any action initiated by the Employee or for any criminal or quasi-criminal prosecution.

Responsibilities:

- Any Employee or former Employee to whom this policy applies upon being notified that any legal action 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.

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

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF
LEGISLATIVE AND ADMINISTRATIVE SERVICES

DATE