

The following is a consolidated copy of the Indemnification bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
237	Comox Valley Regional District Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 237	November 27, 2012	A bylaw to indemnify directors, officers, employees and volunteers against legal proceedings
448	Comox Valley Regional District Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 237, Amendment No. 1	October 25, 2016	A bylaw to amend the indemnification bylaw by including prosecutions and statutory penalties as coverage areas
691	Comox Valley Regional District Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 237, Amendment No. 2	January 25, 2022	To update the bylaw by adding fire protection services areas to Section 1(a)(vii) and other minor administrative updates to Section 1

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version more clear and identify historical changes and conditions. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 237

A bylaw to indemnify directors, officers, employees and volunteers against legal proceedings

WHEREAS section 740 of the *Local Government Act* (SBC, 2015, c.1) authorizes a regional district to provide by bylaw for the indemnification of its members of board, directors, officers, employees and volunteers against claims for damages and the costs of legal proceedings, prosecutions and statutory penalties;

NOW THEREFORE the Comox Valley Regional District board of directors, in open meeting assembled, enacts as follows:

Interpretation

1. In this bylaw:

- (a) the words “directors”, “officers” and “employees” include, but are not limited to:
 - (i) members of the regional district Board of Variance;
 - (ii) members of an Electoral Area Advisory Planning Commission;
 - (iii) regional district election officers;
 - (iv) alternate directors;
 - (v) members of the Comox Valley Sewage Commission;
 - (vi) members of the Comox Valley Recreation Commission;
 - (vii) volunteer firefighters providing firefighting services for any of the following:
 - 1) Black Creek – Oyster Bay fire protection service;
 - 2) Greater Merville fire protection service;
 - 3) Mount Washington resort community fire protection service
 - 4) Denman Island fire protection service;
 - 5) Hornby Island fire protection service;
 - 6) Fanny Bay fire protection service;
 - 7) Union Bay fire protection service
 - (viii) any volunteer who participates in the delivery of services by the regional district under the supervision of an officer or employee of the regional district.
- (b) the words “board member,” “directors”, “officers” and “employee” include persons who were members of the board, directors, officers or employees, as applicable, at the time the cause of action arose in respect of which a claim for damages against that person or against the regional district is brought or alleged;
- (c) “board” means the board of the regional district;
- (d) “regional district” means the Comox Valley Regional District;

- (e) “volunteer firefighter” means the fire chiefs, firefighters and auxiliary members of fire departments assisting in the day to day operation of the fire department and including the delivery of fire protection services.

Indemnity

- 2. (1) The regional district will indemnify a member of the board, a director, an officer or an employee against a claim for damages against him or her, prosecutions or statutory penalties arising out of the performance of his or her duties and, in addition, will pay legal costs incurred in a court proceeding arising out of the claim, prosecution or statutory penalty.
- (2) Subsection (1) does not apply where the member of the board, director, officer or employee has acted dishonestly or grossly negligent or whose misconduct has been malicious or willful or who has committed an act of libel or slander.

Indemnity against members of board, directors, officers or employees

- 3. Where any action of a member of a board, director, officer or employee results in a claim for damages, a prosecution or statutory penalty against the regional district, the regional district shall seek indemnity or reimbursement from the person, only where:
 - (a) the claim, prosecution or statutory penalty arises out of the gross negligence of the member of board, director, officer or employee; or
 - (b) in the case of a director, officer or employee, that person acted contrary to a term of his or her employment or an order of a superior, including a direction of board in relation to the action that gave rise to the claim, prosecution or statutory penalty

Repeal

- 4. Bylaw No. 2186 being “Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 2186, 1999” is hereby repealed.

Citation

This Bylaw No. 237 may be cited as “Comox Valley Regional District Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 237.”