

Jurisdictional Scan

City	Who approves indemnification of Councillors?	Who represents Councillors in legal proceedings?	What kinds of matters?	Resources
Toronto	<p>Where the Council Member is not covered by insurance, a request is made and the City Solicitor provides a report and recommendation to the Executive Committee and City Council for consideration.</p> <p>Approval is only up to \$25,000 for legal expenses without further approval.</p>	<p>Insured civil claim: legal counsel relating to insurance.</p> <p>Criminal or regulatory proceedings: Councillor pays legal expenses in the first instance and seeks reimbursement only if acquitted.</p>	<p>Civil suits, criminal, regulatory - either under insurance or Council General Expense Budget.</p> <p>Council General Expense Budget may allow legal expenses in certain circumstances.</p> <p>It does not apply to a contravention of the <i>Municipal Conflict of Interest Act</i>.</p>	<p><i>City of Toronto Act</i>, SO 2006, c11, Sch. A, s. 218</p> <p>Indemnification Policy for Members of Council</p>

Attachment #1

<p>Vancouver</p>	<p>Council by vote of not less than $\frac{2}{3}$ of all members.</p> <p>There is authority for Council to delegate down to any committee including a committee of employees (s. 161).</p>	<p>Unclear.</p>	<p>Appears to apply to all kinds of actions but with the below restrictions:</p> <ul style="list-style-type: none"> • Must fully cooperate in the defence to the satisfaction of the Director of Legal Services. • The City will not indemnify for a fine imposed upon conviction of a criminal offence. • The City will not indemnify if guilty of dishonesty, gross negligence, malicious or wilful misconduct, or a criminal act or if not acted in honest performance of their duties. 	<p><i>Vancouver Charter</i>, SCC 1953, c.55, s. 180</p> <p>By-law 7034, Board of Administration By-law</p> <p>By-law No. 11339, Indemnification of Employees By-law</p>
<p>Calgary</p>	<p>City Solicitor or their designate</p>	<p>City Solicitor has authority to defend or retain and pay external legal counsel.</p>	<p>Any civil action, claim or proceeding.</p>	<p>City Solicitor Bylaw 48M2000 As amended by Bylaw 8M2021 Council Policy CC010 Indemnification of Members of City Council.</p>

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Ottawa	Appears that City Solicitor has authority to purchase insurance, represent and defend the City and retain counsel.	City Solicitor has authority to retain counsel.	Any action or other proceeding including proceedings involving charges under a provincial Act.	Delegation of Authority By-law No. 2020-360, Schedule "H", sections 9-38 - Legal Services.
City of West Kelowna	Corporate Officer: likely the Chief Administrative Officer with input from Legal. Must then report this to Council at the next Council meeting.	Legal Counsel retained by the District or the Insurer.	<p>Action or prosecution against a councillor in connection with their exercise or intended exercise of their duties of municipal business.</p> <p>Will not pay a fine or penalty resulting from a conviction that is not a strict or absolute liability offence.</p> <p>Will not indemnify if they acted grossly negligent, dishonest, wilful or malicious, or in conflict of interest. If the court makes a finding of any of these circumstances, a debt is owed for the costs.</p>	District of Westside Bylaw No. 0003 A Bylaw to Indemnify Municipal Officials Against Damages and the Costs of Legal Proceedings Arising Out of the Performance of their Duties and the Conduct of Municipal Business
Red Deer	The City Manager	City Manager instructs legal counsel to provide legal services to the City and Council, subject to direction from Council.	Civil Actions	Organizational Bylaw 3505 Corporate Administrative Policy 5025-CA

<p>Saskatoon</p>	<p>Indemnification Review Committee (IRC) which consists of 3 people appointed by the Dean of the University of Saskatchewan College of Law. The IRC receives a report from the City Solicitor or outside Counsel considering whether the actions were in good faith within the duties of a councillor. IRC can re-examine the decision to indemnify with new information and if determines the Councillor was not acting in good faith - amounts paid are a debt owed.</p>		<p>Civil actions or proceedings brought against them in performance of their duties and to the extent permitted by law.</p> <p>Does not apply to Conflict of Interest but Council may reimburse the Councillor if the application is dismissed or an order issued that they remain a mayor or councillor.</p>	<p>City Administration Bylaw, 8174 Council Policy C01-026, Indemnification Policy - Members of Council</p>
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