

Current - Indemnification Test in the Legal Representation and Indemnification of Members of Council Policy

| Type | Test | Indemnity | Representation | Procedure | Consultation |
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| Civil Action | Acting in good faith in course and scope of duties as a member of Council. | Yes (but other insurance responds first). | City reserves the right to defend. | <ol style="list-style-type: none"> 1. Upon notice of civil action, City Solicitor will determine if test met and shall approve indemnification; 2. Where any doubt the test is met, consult with the Director of Insurance and Claims; 3. City Solicitor then approves or denies indemnification. | Director of Insurance and Claims only if the City Solicitor has doubt the test is met. |
| Criminal or Quasi-Criminal Eg, alleged violation of legislation, regulation, bylaw punishable by a fine or imprisonment and includes environmental protection statutes. | <ol style="list-style-type: none"> a) Conduct giving rise to prosecution was conduct acting in good faith in course and scope of duties; b) Member of Council believed conduct lawful; c) It is in the interest of the City to assist in defence. | Legal fees and expenses only. City not required to pay fines or penalties but may in its discretion do so where appropriate. | City may provide legal representation at its discretion or pay/reimburse legal fees and expenses for defence. | <ol style="list-style-type: none"> 1. Upon notice, City Solicitor will consult with the Director of Insurance and Claims; 2. City Solicitor then approves or denies reimbursement , in whole or part, of legal fees and expenses incurred. <p>If convicted, no payment of appeal or new trial without approval of the City Solicitor.</p> <p>If acquitted or charges</p> | Director of Insurance and Claims |

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| | | | | withdrawn or stayed, can ask the City Solicitor to reconsider requests for payment or reimbursement. | |
| <p>Complaint or Inquiry pursuant to an enactment (regulatory)</p> <p>Eg. human rights complaint, professional disciplinary proceedings</p> | <p>a) Conduct giving rise to prosecution was conduct acting in good faith in course and scope of duties;</p> <p>b) Member of Council believed conduct lawful;</p> <p>c) It is in the interest of the City to assist in defence.</p> | <p>Legal fees and expenses only. City not required to pay penalties levied but may in its discretion indemnify for any compensatory damages ordered by the tribunal.</p> | <p>City may provide legal representation at its discretion or pay on behalf or reimburse fees and expenses for defence</p> | <ol style="list-style-type: none"> 1. Upon notice, City Solicitor will consult with the Director of Insurance and Claims; 2. City Solicitor then approves or denies reimbursement , in whole or part, of legal fees and expenses incurred. | <p>Director of Insurance and Claims</p> |