

Town of Souris By-laws

BYLAW No. 95-3

INDEMNIFICATION

This by-law is made under the authority of the Municipalities Act, R.S.P.E.I. 1988, Cap. M-13.

BE IT ENACTED BY the Council for the Town of Souris as follows:

1. TITLE

This by-law shall be known as and may be cited as the Town of Souris Indemnification By-law No. 95-3.

2. SCOPE

This by-law shall govern the procedures used to indemnify the Mayor, Councillors, Administrator, Committee Members, Planning Board Members and every other Director or Officer of the Town of Souris.

3. DEFINITIONS

In this by-law:

- i. "Committee" means a committee established by the Town of Souris for any municipal purpose or power; and
- ii. "Director" or "Officer" includes any person appointed or named to a water or sewage corporation established by the Town of Souris or appointed or named as its representative on any board, committee, commission or agency not established by the Town of Souris.

4. INDEMNIFICATION

(a) The Town of Souris will save harmless and indemnify its Mayor, Councillors, Administrator, Committee Members, Planning Board Members and every other Director or Officer or their respective estates, against any liability, including legal costs on a solicitor and client basis, incurred by any of them by reason of any matter arising out of the bona fides discharge of his/her duties.

(b) For purposes of clarification and interpretation, the Mayor, Councillors, Administrator, Committee Members, Planning Board Members and every other Director or Officer referred to in Section 4(a) of this by-law include the current Mayor, Councillors, Administrator, Committee Members, Planning Board Members and other Directors and Officers as well as previous Mayors, Councillors, Administrators, Committee Members, Planning Board Members and other Directors and Officers.

5. DISCOVERY HEARING / COURT CASES

The indemnification of any Mayor, Councillor, Administrator, Committee Member, Planning Board Member or Director or Officer shall include legal costs related to attendances at discovery proceedings and court, or before any court officer.

6. LEGAL SERVICES

Where possible, a Mayor, Councillor, Administrator, Committee Member, Planning Board Member or Director or Officer shall use the legal services of the Town's solicitor, however, where such is not possible, the Town shall have the right to tax the fees for legal services of an outside solicitor should it so choose by motion of Council and, notwithstanding the other provisions of this by-law, the Town shall not be liable to pay legal costs which have not been taxed in accordance with this subsection.

7. BY-LAW NO. 86-1 INDEMNIFYING DIRECTORS AND OFFICERS is hereby repealed.

8. EFFECTIVE DATE:

Indemnification By-law No. 95-3 comes into force effective April 10, 1995.

Read for the first time this 20th day of March 1995
Read for a second time this 10th day of April, 1995

TOWN OF SOURIS
Gus Clinton, MAYOR
Mildred Ehler, ADMINISTRATOR