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## **MEMORANDUM**

**To:** Mayor and Members of Council  
**From:** Catherine Conrad, City Solicitor and Acting Director of Human Resources  
**Date:** March 29, 2019  
**Subject:** **Draft By-law re Indemnification of Employees and Members of Council**

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Further to the General Committee's comments on the above noted draft by-law at its meeting of March 25, 2019, attached a revised by-law that addresses the following issues raised by members of the committee (amendments to the previous version of the by-law are in **bold type**):

1. A new clause 3.7 has been added that provides indemnification for Employees and Members of Council in respect of charges under:
  - a. the Criminal Code
  - b. provincial legislation and regulations; and
  - c. municipal by-laws;
  - provided that the charge relates to acts done in the performance in good faith of their duties; and
  - provided that the charges are withdrawn or the Employee or Member of Council is acquitted.
2. Clause 3.8 (old 3.7) has been amended to clarify the conditions under which an Employee or Member of Council may be required to repay monies paid for a defence provided under clause 3.6 – where there has been a conviction under the Criminal Code, provincial legislation or regulation or under a municipal by-law. This excludes recapture of indemnity for other types of actions, including civil suits, administrative proceedings or profession association complaints.

Several additional edits (also in bold) have been made to ensure consistency of language and correction of a cross-reference section number.

Catherine Conrad  
City Solicitor and Acting Director of Human Resources