

Lower Nipit Improvement  
DISTRICT

INDEMNIFICATION BYLAW NO. #35

A bylaw to indemnify an officer of the improvement district against a claim for damages arising out of the performance of his/her duties and to pay legal costs incurred in a court proceeding arising out of the claim.

The trustees of the <sup>Lower Nipit</sup> [name of improvement district] enact as follows:

1. In this bylaw "officer" means: [any or all of these may be listed]
  - a. a member of the board of trustees;
  - b. an appointed member of an improvement district committee;
  - c. an officer or employee of the improvement district;
  - d. a volunteer fire fighter of the improvement district; and,
  - e. any volunteer who participates in the delivery of services by the improvement district under supervision of an officer or employee of the improvement district.
  
2.
  - a. The improvement district will indemnify its officers against a claim for damages against them arising out of the performance of their duties and in addition pay the actual costs incurred by the officer in a court proceeding arising out of the claim.
  
  - b. Section 2(a) applies in respect to a person who was an officer at the time he/she performed the duties out of which the claim arose, whether or not he/she is an officer at the time the claim for damages arises or the court proceeding arising out of the claim is commenced, prosecuted or concluded.
  
  - c. Where any action of an officer results in a claim for damages against the improvement district, the board of trustees will seek indemnity or reimbursement from the officer only where:
    - (i) the claim arises out of gross negligence of the officer; or
    - (ii) the officer acted contrary to the terms of his or her employment or an order of a superior in relation to the action that gave rise to the claim.

Lower Nipit Improvement District

3. This bylaw may be cited as the "Indemnification Bylaw No. 35".

INTRODUCED and given first reading by the Trustees on the 2 day  
of Aug 20 14.  
CB ku

RECONSIDERED and finally passed by the Trustees on the 2nd day  
of Aug 20 14.  
CB ku

James Brown  
Chair of the Trustees

I hereby certify that this is a true copy of Bylaw No. 35

[Signature]  
Officer

A true copy of By-Law No. 35  
registered in the office of the Inspector  
of Municipalities this 27th day of  
November 20 14  
[Signature]  
Deputy Inspector of Municipalities

Superseded by  
41