

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL		AM - 1.2.2
Section Procedure & Organization of Council	Subject Indemnification of Elected Officials Policy	

General Statement of Policy

1. It shall be the policy of the Municipality of the County of Annapolis to provide indemnity and liability protection for elected officials of the Municipality of the County of Annapolis.

Definitions

2. “County of Annapolis” means the Municipality of the County of Annapolis, a body corporate under the provisions of the *Municipal Government Act*.
3. “Elected Official” means a current or former member of the Council of the Municipality of the County of Annapolis.

Objectives of Policy

4. The objective of the Policy, subject to the exceptions and limitations set out herein, is to ensure that Elected Officials are adequately protected in all cases where a civic or criminal action is brought or a complaint is made against an elected official as a result of or related to the performance of his / her duties.

Exceptions

5. The Policy shall not apply and the County of Annapolis shall not provide indemnity and liability protection for an Elected Official in cases where the civic or criminal action is brought or a complaint is made against an Elected Official by the County of Annapolis.
6. The Policy shall not apply and the County of Annapolis shall not provide indemnity and liability protection for an Elected Official in cases where the civic or criminal action is brought or a complaint is made against the County of Annapolis by the Elected Official.

Indemnity & Limitations

7. The County of Annapolis shall indemnify its Elected Officials against any amount required or incurred:
 - (a) to defend an action or prosecution brought against an Elected Official in connection with the exercise or intended exercise of the person’s powers or the performance or intended performance of the person’s duties or functions; and
 - (b) to satisfy a judgement, award or penalty imposed in an action or prosecution referred to in paragraph (a);

except where the claim arises out of the dishonesty, gross negligence or malicious or wilful misconduct of the Elected Official or acting outside of his / her authority as determined by a Court of competent jurisdiction.

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8. The County of Annapolis shall not seek indemnity against or from an Elected Official in respect of any conduct of the Elected Official that results in a claim of damages against the County of Annapolis except in those cases there where the claim arises out of the dishonesty, gross negligence or malicious or wilful misconduct of the Elected Official or acting outside of his / her authority as determined by a Court of competent jurisdiction.
9. Where indemnity under this Policy is or may be claimed by an Elected Official, the Elected Official shall immediately, upon receipt of same, forward to the Chief Administrative Officer, every statement of claim, notice of action, writ, letter or document relating to the claim against them in respect of which indemnity is or may be claimed under this Policy.
10. Where indemnity under this Policy is or may be claimed by an Elected Official, such Elected Official shall not:
 - (a) voluntarily assume any liability or settle any claim except at their own cost and no indemnification shall be paid in relation thereto;
 - (b) interfere with the County of Annapolis in any negotiation, settlement or in any legal proceedings with respect to the claim;

and wherever requested by the County of Annapolis shall:

 - (c) aid in the securing of information and evidence and the attendance of witnesses and shall themselves give evidence and cooperate with the County of Annapolis in the defence of any action or proceeding or in the prosecution of any appeal taken by the County of Annapolis on behalf of the Elected Official.
11. Compliance by Elected Officials with the provisions of this Policy constitutes a condition precedent to the County of Annapolis' liability to indemnify Elected Officials as provided in this Policy.
12. The County of Annapolis' liability to indemnify Elected Officials extends only to that portion of any damages or costs that are in excess of any insurance coverage to which an Elected Official is entitled in respect of the claim in question.

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Procedure

13. The Chief Administrative Officer shall be responsible for the engagement of legal counsel on behalf of the Elected Official and, whenever reasonably possible, the Chief Administrative Officer shall consult with the Elected Official regarding what counsel is to be retained at the expense of the County of Annapolis and the terms and conditions of such retainer.

14. The Elected Official shall have the right to retain any additional counsel of his / her choice, at his / her own expense.

Municipal Clerk’s Annotation for Official Policy Book	
I certify that this policy was adopted by Municipal Council as indicated below:	
<i>Seven (7) Day Notice</i>	<i>June 20, 2017</i>
<i>Council Approval</i>	<i>July 18, 2017</i>
 <i><u>Carolyn Young</u></i> Municipal Clerk	 <u>July 18, 2017</u> Date
<i>At <u>Annapolis Royal</u> Nova Scotia</i>	