



## Regional Municipality of Niagara Police Services Board

### BY-LAW NO. 124 - 91

#### PREAMBLE

1. In this By-law, the term "Board" shall mean the Regional Municipality of Niagara Police Services Board.
2. It is the intention of the Board to pass a by-law to protect Board members from liability for legal expenses incurred in connection with the defense of certain actions referred to in this by-law pursuant to the provisions of the *Municipal Act*, R.S.O. 1980, ch.302, s.248 and amendments thereto, and the *Municipal Conflict of Interest Act*, S.O. 1983, ch.8, s.14 and amendments thereto.

#### ENACTMENT

3. The Board hereby enacts the following:
  - a. In the event that a Board member incurs any legal expense as a result of any action or other proceeding, except a proceeding brought under the *Municipal Conflict of Interest Act 1983*, arising out of acts or omissions done or made in good faith by that Board member in his or her capacity as a Board member, including while acting in the performance of any statutory duty, the Board shall pay on behalf of or reimburse the Board member for any such legal expenses, provided that the Board shall determine the issue of whether the acts or omissions were done or made in good faith;
  - b. In the event that a Board member incurs any legal expense as a result of any action or proceeding brought under the *Municipal Conflict of Interest Act 1983*, arising out of acts or omissions done or made in good faith by that Board member in his or her capacity as a Board member, including while acting in the performance of any statutory duty, and in the event that the Board member is found not to have contravened section 5 of that *Act*, the Board shall pay on behalf of or reimburse the Board member for any such legal expenses, provided that the Board shall determine the issue of whether the acts or omissions were done or made in good faith.
  - c. This by-law applies to all current Board members from time to time, and further, applies to any person who was a Board member at the time the cause of action or other proceeding arose, but who, prior to judgment or other settlement of the action or proceeding, has ceased to be a Board member.
  - d. Prior to the paying of the legal expenses referred to in this paragraph 3, the Board may require that the account of the solicitor acting for the Board member be assessed by the Assessment Officer of the Ontario Court (General Division) pursuant to the provisions of the *Solicitors Act* for the Province of Ontario.

4 This by-law is hereby enacted and passed this 28th day of February 1991.

Original Signed by Mr. M. Woodhouse

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Chairperson

91.02.22

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