

SUTHERLAND CREEK WATERWORKS DISTRICT

SUTHERLAND CREEK WATERWORKS DISTRICT BY LAW NO. 33

A bylaw to provide that the Sutherland Creek Waterworks District shall indemnify an officer of the Sutherland Creek Waterworks District against a claim for damages arising out of the performance of his/her duties and will pay legal costs incurred in a court proceeding arising out of the claim.

The Trustees of the SUTHERLAND CREEK WATERWORKS DISTRICT enact as follows:

1. INTERPRETATION:

In this bylaw “officer” means:

- a) a member of the Board of Trustees.
- b) an appointed member of a Sutherland Creek Waterworks District Committee.
- c) an officer, employee or contractor of the Sutherland Creek Waterworks District.
- d) any volunteer who participates in the delivery of services by the Sutherland Creek Waterworks District under the supervision of an employee of the Sutherland Creek Waterworks District.

2. INDEMNIFICATION:

- a) The Sutherland Creek Waterworks District shall 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) applied 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 proceedings 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 Sutherland Creek Waterworks District, the Board of Trustees shall 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 of an order of a superior in relation to the action that gave rise to the claim.

3. SEVERABILITY:

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase may be severed from the remaining portion of this Bylaw.

4. CITATION:

This bylaw may be cited for all purposes as “**Sutherland Creek Waterworks District Indemnification**”.

Introduced and given first reading by the Trustees on the 12th day of April 2001.

Reconsidered and finally passed by the Trustees on the 12th day of April 2001.

Signature on file:
Chairman of the Trustees

Signature on file:
Secretary of the Trustees

I hereby certify under the seal of the Sutherland Creek Waterworks District that this is a true copy of Bylaw No.# 33 of the Sutherland Creek Waterworks District passed by the Trustees on the 12th day of April, 2001.

Signature on file:
Secretary of the Trustee

A true copy of Bylaw No. 33 registered in the office of the Inspector of Municipalities this 26th day of April, 2001.

Signature on file:
Deputy Inspector of Municipalities