

**INDEMNIFICATION FOR OFFICERS, EMPLOYEES AND MEMBERS OF COUNCIL BYLAW,
AMENDMENT BYLAW (NO. 2)**

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Indemnification for Officers, Employees and Members of Council Bylaw to provide for the indemnification of members of Council for the legal costs of defending against complaints made pursuant to the Code of Conduct Bylaw.

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Under its statutory powers, including section 740 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “Indemnification for Officers, Employees and Members of Council Bylaw, Amendment Bylaw (No. 2)”.

Definition

- 2 In this Bylaw, “**Indemnity Bylaw**” means Bylaw No. 87-196, the Indemnification for Officers, Employees and Members of Council Bylaw.

Amendments

- 3 The Indemnity Bylaw is amended in section 7 as follows:
 - (a) in both subsections (a) and (b), by inserting “, Code of Conduct Bylaw complaint,” immediately after “any claim”.
- 4 The Indemnity Bylaw is further amended by inserting the following new section 8A immediately after section 8:
 - “8A. (1) The City shall indemnify members of its Council for their solicitor and client costs for responding to complaints made pursuant to the Code of Conduct Bylaw.
 - (2) The indemnity in subsection (1) is subject to the following terms and conditions:

- (a) The member of Council must ensure that their legal fees are reasonable and proportionate to the nature of the complaint; and
 - (b) The member of Council must co-operate with the City in verifying reasonableness of the fees, including co-operation in any proceedings under the *Legal Profession Act* to review any legal bills.
- (3) If a complaint against a member of Council is substantiated in accordance with the process established under the Code of Conduct Bylaw, the Council member must, subject to subsections (4) and (5), repay to the City all the legal expenses paid pursuant to subsection (1).
- (4) If the complaint against a member of Council is only partially substantiated, subsection (3) applies only to the portion of the fees related to the substantiated part of the complaint or, if fees cannot be easily attributed to that part of the complaint, a share of the fees that is proportionate to the substantiated part of the complaint taking into account seriousness of the different parts of the complaint and the amount of effort related to each of the parts.
- (5) Subsection (3) does not apply in relation to a complaint, or part of the complaint as the case may be, if the investigator issues a report pursuant to section 19(4)(b) of the Code of Conduct Bylaw, unless Council rejects that recommendation and imposes a sanction under section 21 of that bylaw in relation to the complaint or part of the complaint.”

Commencement

5 This Bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2023
READ A SECOND TIME the	day of	2023
READ A THIRD TIME the	day of	2023
ADOPTED on the	day of	2023

CITY CLERK

MAYOR