

**FRASER VALLEY REGIONAL DISTRICT
BYLAW NO. 1798, 2025**

A bylaw to indemnify Regional District Officials

WHEREAS Section 740 of the *Local Government Act* provides that a regional district may, by bylaw, indemnify Regional District Officials in respect of certain matters in accordance with the bylaw.

THEREFORE the Fraser Valley Regional District Board enacts as follows:

1) CITATION

This bylaw may be cited as *Fraser Valley Regional District Indemnification Bylaw No. 1798, 2025*.

2) INTERPRETATION

In this bylaw:

"Regional District Official" means a person as defined in Section 738(1) of the *Local Government Act*.

3) ENACTMENTS

- a) The regional district will indemnify Regional District Officials by paying all amounts required or incurred:
 - i. to defend an action or prosecution brought against a Regional District 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;
 - ii. to satisfy a judgment, award or penalty imposed in an action or prosecution referred to in paragraph (i);
 - iii. in relation to an inquiry under the *Public Inquiry Act*; or
 - iv. in relation to another proceeding that involves the administration of the regional district or the conduct of regional district business.
- b) Where a Regional District Official wishes to seek indemnity under this bylaw, the Regional District Official will;
 - i. as promptly as reasonably possible after being served with a document initiating an action, prosecution, inquiry or other proceeding involving regional district business, deliver a copy of such document to the regional district's Corporate Officer;

- ii. not admit or assume liability, enter into a settlement or enter a guilty plea except with the approval of the regional district;
 - iii. consent in writing to the regional district having sole discretion to appoint and instruct legal counsel, to conduct all the necessary investigations and to negotiate and settle the action, prosecution or proceeding; and
 - iv. co-operate with the regional district and appointed legal counsel in relation to the action, prosecution, inquiry or other proceeding, including to secure information, evidence and witnesses and in the defence of an action or prosecution.
- c) Despite Section 3)a), the regional district;
 - i. will not pay a fine that is imposed as a result of a Regional District Official being convicted of an offence that is not a strict or absolute liability offence;
 - ii. will not indemnify a Regional District Official if a court of competent jurisdiction finds a Regional District Official has engaged in dishonesty, gross negligence or malicious or wilful misconduct; and
 - iii. may seek recovery of its costs against a Regional District Official in respect of any matter which results in a judgment for damages against the regional district if a court has found the Regional District Official has engaged in dishonesty, gross negligence, or malicious or wilful misconduct.
- d) This bylaw does not apply to:
 - i. claims that do not arise in connection with a Regional District Official's exercise or intended exercise of their power or the performance or intended performance of their duties;
 - ii. any proceedings or complaints made under the regional district's Code of Responsible Conduct Policy;
 - iii. defamation claims made against a Board member; and
 - iv. proceedings to disqualify a Board member from office.
- e) Nothing in this bylaw prevents a Regional District Official from seeking indemnity by Board resolution in a specific case.

4) SEVERABILITY

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

5) REPEAL

Fraser Valley Regional District Indemnification Bylaw No. 0566, 2003 is hereby repealed.

6) READINGS AND ADOPTION


READ A FIRST TIME THIS 24th day of July, 2025

READ A SECOND TIME THIS 24th day of July, 2025

READ A THIRD TIME THIS 24th day of July, 2025

ADOPTED THIS 24th day of July, 2025


Chair/Vice-Chair


Corporate Officer/Deputy

7) CERTIFICATION

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Indemnification Bylaw No. 1798, 2025* as adopted by the Board of Directors of the Fraser Valley Regional District on July 24, 2025.

Dated at Chilliwack, B.C. on July 25th, 2025


Corporate Officer/Deputy

d) Nothing in this bylaw prevents a Regional District Official from seeking indemnity by Board resolution in a specific case.

e) This bylaw does not apply to:

- i. claims that do not arise in connection with a Regional District Official's exercise or intended exercise of their power or the performance or intended performance of their duties;
- ii. any proceedings or complaints made under the code of conduct;
- iii. defamation claims made against a Board member; and
- iv. proceedings to disqualify a Board member from office.

4) SEVERABILITY

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

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- iv. co-operate with the regional district and appointed legal counsel in relation to the action, prosecution, inquiry or other proceeding, including to secure information, evidence and

Bylaw No. 1798, 2025 Page 2 of 2

FRASER VALLEY REGIONAL DISTRICT

BYLAW No. 1798, 2025 (a), the regional district;

- i. will not pay a fine that is imposed as a result of a Regional District Official being convicted of an offence that is a Regional District Official liability offence;

- ii. will not indemnify a Regional District Official if a court of competent jurisdiction finds a Regional District Official has engaged in dishonesty, gross negligence or malicious or

WHEREAS Section 740 of the Local Government Act provides that a regional district may, by bylaw, indemnify Regional District Officials in respect of claims against a Regional District Official in respect of any matter which results in a judgment for damages against the regional district if a court has

- found the Regional District Official has engaged in dishonesty, gross negligence, or malicious or wilful

THESE are the Fraser Valley Regional District Board enacts as follows:

- d) This bylaw does not apply to:

- 1) CITATIONS that do not arise in connection with a Regional District Official's exercise or intended exercise of their power or the performance or intended performance of their duties;

This bylaw proceedings as Fraser Valley Regional District Indemnification Bylaw No. 1798, 2025 Conduct Policy;

- iii. defamation claims made against a Board member; and

- 2) INTERPRETATION No disqualify a Board member from office.

In this bylaw nothing in this bylaw prevents a Regional District Official from seeking indemnity by Board resolution in a specific case.

"Regional District Official" means a person as defined in Section 738(1) of the Local Government Act.

3) ENACTMENTS

- a) The regional district will indemnify Regional District Officials by paying all amounts required or incurred:

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- ii. to satisfy a judgment, award or penalty imposed in an action or prosecution referred to in paragraph (i);
- iii. in relation to an inquiry under the Public Inquiry Act; or
- iv. in relation to another proceeding that involves the administration of the regional district or the conduct of regional district business.

- b) Where a Regional District Official wishes to seek indemnity under this bylaw, the Regional District Official will;

- i. as promptly as reasonably possible after being served with a document initiating an action, prosecution, inquiry or other proceeding involving regional district business, deliver a copy of such document to the regional district's Corporate Officer;
- ii. not admit or assume liability, enter into a settlement or enter a guilty plea except with the approval of the regional district;
- iii. consent in writing to the regional district having sole discretion to appoint and instruct legal counsel, to conduct all the necessary investigations and to negotiate and settle the action, prosecution or proceeding; and

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Dated at Chilliwack, B.C. on July 25th, 2025

Corporate Officer/Deputy