



BY-LAW NO. 417-2024

**A BY-LAW TO ESTABLISH POLICY
FOR LEGAL INDEMNIFICATION OF BOARD MEMBERS
AND BOARD EMPLOYEES**

1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA")* provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the CSPA;
- 1.2 AND WHEREAS Section 46 of the CSPA provides that a Police Service Board shall establish its own rules and procedures in performing duties under the CSPA and its regulations;
- 1.3 AND WHEREAS subsection 48 (1) of the CSPA provides that no action or other proceeding shall be instituted against a member of a Police Service Board for any act done in good faith in the execution or intended execution of any duty imposed or power conferred by this Act, the regulations or the by-laws, or for any alleged omission in the execution in good faith of that duty or power;
- 1.4 AND WHEREAS the Board deems it expedient to pass a By-law to protect Board members and its employees 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, S.O. 2001, ch.25, s.279* and amendments thereto, and the *Municipal Conflict of Interest Act, R.S.O. 1990, ch.50, s.14* and amendments thereto, and further to protect Board employees from pecuniary loss or liability in respect of those actions.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

- 2.1 "Act" or "CSPA" means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Board Member" means a member of the Regional Municipality of Niagara Police Service Board.

3. BOARD POLICY

- 3.1 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*, 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 has determined that the acts or omissions were done or made in good faith.
- 3.2 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*, 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 has determined that the acts or omissions were done or made in good faith.
- 3.3 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.
- 3.4 The provisions of section 3.1 above apply when the necessary modifications to Board employees, and further the Board shall indemnify and save harmless its employees against any risks that may involve pecuniary loss or liability on the part of those employees arising out of the good faith performance or attempted good faith performance of the employee's duties, in accordance with section 279 of the *Municipal Act*.
- 3.5 Prior to the paying of legal expenses referred to section 3, the Board may require that the account of the solicitor acting for the Board member be assessed by the Assessment Officer of the Superior Court of Justice pursuant to the provisions of the *Solicitors Act*, R.S.O. 1990, ch.s.15 for the Province of Ontario.

4. IMPLEMENTATION

- 4.1 By-law Nos. 124-1991 and 326-2012, as amended, and all other By-laws, sections of By-laws and procedural policies of the Board inconsistent with the provisions of this By-law are hereby repealed effective March 31, 2024.
- 4.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this 28th day of February, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director