

THE CORPORATION OF THE TOWN OF FORT SMITH

BY-LAW #494

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES, TO PROTECT ELECTED OFFICIALS, PASSED PURSUANT TO SECTION 35 OF THE CITIES, TOWNS AND VILLAGES ACT BEING CHAPTER C-8, 1988 AND THE CONFLICT OF INTEREST ACT BEING C-16, 1988, RESPECTIVELY, OF THE REVISED STATUTES OF THE NORTHWEST TERRITORIES.

WHEREAS, the Council of the Corporation of the Town of Fort Smith, in the Northwest Territories, deems it to be in the public interest to establish a Civil Liability Bylaw for Elected Municipal Officials;

NOW THEREFORE, the Council of the Town of Fort Smith, at a duly assembled meeting enacts as follows:


If an action or proceeding is brought against any elected official or former elected official covered by this agreement for an alleged tort committed by him/her in the performance of his/her duties, then;

- a) the elected official, upon being served with any legal process, or upon receipt of any action or proceeding as hereinbefore referred to, being commenced against him/her shall advise the Senior Administrative Officer of any such notification or legal process;
- b) the Town shall pay any damages or costs awarded against any such elected official in any such action or proceedings and all legal fees, and/or;
- c) the Town shall pay any sum required to be paid by such elected official in connection with the settlement of any claim made against such elected official if such settlement is approved by the Executive Committee before the same is finalized; provided the conduct of the elected official which gave rise to the action did not constitute a gross disregard or neglect of his/her duty as an elected official.
- d) Upon the elected official notifying the Town in accordance with paragraph (a) above, the Town shall appoint Counsel. The Town accepts full responsibility for the conduct of the action and the elected official agrees to co-operate fully with appointed Counsel.

READ A FIRST TIME THIS 3<sup>rd</sup> DAY OF June, 1992 A.D.

READ A SECOND TIME THIS 3<sup>rd</sup> DAY OF June, 1992 A.D.

READ A THIRD TIME THIS 16<sup>th</sup> DAY OF June, 1992 A.D.

  
MAYOR

  
SENIOR ADMINISTRATIVE OFFICER