CITY OF WINNIPEG POLICY NO. CO-012

POLICY TITLE	ADOPTED BY	EFFECTIVE DATE
Indemnification of Council Members for Legal Proceedings	City Council	July 18, 2019
ORIGIN / AUTHORITY	**CITY POLICY NO**	**MOST RECENT CONSOLIDATION**
Governance Committee of Council	CO-012	N/A

1. Purpose:

The purpose of this policy is to implement a framework pursuant to which members of Council are indemnified with respect to legal proceedings in which such Council member is personally named as a party.

2. Definitions:

2.1 **"Council Member"** means a current or former member of the municipal council of the municipal corporation of The City of Winnipeg and includes the Mayor.

2.2 "**proceeding**" means:

i. a criminal action;
ii. a civil action;
iii. a proceeding before an administrative body; or
iv. an investigation conducted by the City's Integrity Commissioner

arising out of the Council member's actions while in the performance of their duties.

3. Indemnification of Council Members for Legal Proceedings Policy

3.1 If a proceeding is commenced against a Council member, the Council member shall forthwith advise the City Solicitor of the proceeding in order to avail himself or herself of the benefits set forth herein.

3.2 In the case of a civil action or a proceeding before an administrative body where there is no allegation of bad faith or defamation against the Council member, as determined by the City Solicitor, the City's Legal Services Department shall act to have the Council member removed from the proceeding.

3.3 In the case of:

i. a criminal action;

ii. a civil action or a proceeding before an administrative body where there is an allegation of bad faith or defamation against the Council member;

iii. a civil action or a proceeding before an administrative body where there is no allegation of bad faith or defamation against the Council member but the Council member has not been removed from the proceeding; or

iv. an investigation conducted by the City's Integrity Commissioner;

the City shall appoint external counsel to represent the Council member in such proceeding.

3.4 External counsel shall be of the City Solicitor's choosing, following consultation with the Council member.

3.5 The City shall directly pay all legal fees and disbursements for external counsel representation. External counsel hourly rates shall be capped in accordance with internal City policy.

3.6 At the termination of the proceeding including all reasonable appeals approved by the City Solicitor, should the decision maker in the proceeding find:

i. that the Council member was not acting in the performance of his or her duties;

ii. that the Council member acted in bad faith; or

iii. that the Council member defamed someone;

the Council member shall reimburse the City for all legal fees and disbursements for external counsel representation paid by the City up to the date of such decision and shall be personally responsible for all further costs of external legal representation, associated costs, damages, fees and settlement amounts that relate to such proceeding. Conversely, should the decision maker not so find, the City shall pay all further costs of legal representation, associated costs, damages, fees and settlement amounts that relate to such proceeding.

4. Responsibilities

4.1 **City Solicitor** – shall implement and periodically review this policy to ensure it continues to meet Council's goals and municipal best practices. Any required changes shall be submitted to Council for consideration.