

**GENERAL STATEMENT OF POLICY**

21.01 It shall be the policy of the Region of Queens Municipality to develop a procedure to provide indemnity / liability protection for elected and appointed officials as well as the directors and officers of the Queens Business Development Association, incorporated under the Societies Act of Nova Scotia.

**OBJECTIVES OF POLICY**

21.02 To ensure that elected and appointed officials as well as directors of the Queens Business Development Association are adequately protected in all cases where a civic or criminal action is brought or a complaint is made against the mayor, a member of Council, an employee of the Region of Queens Municipality or a director or officer of the Queens Business Development Association as a result to the performance of his her duties.

**INDEMNITY**

21.03 The Mayor and every Councillor of the Region of Queens Municipality and their heirs and legal representatives of such person, in the absence of any dishonesty on the part of such person, shall be indemnified by the Region of Queens Municipality against, and it shall be the duty of the Council, out of the funds of the Region of Queens Municipality, to pay all costs, losses and expenses, including any amount paid to settle an action or claim or satisfy a judgment that such Mayor or Councillor may incur or become liable to pay in respect of any claim made against such person in any civil, criminal or administrative action or proceeding to which such person is made a party by reason of being a Mayor or Councillor of the Region of Queens Municipality whether the Region of Queens Municipality is a claimant or party to such action or proceeding or otherwise.

21.04 Every director or officer, former director or officer, or person who acts or acted as a director of the Queens Business Development Association and the heirs and legal representatives of such person, in the absence of any dishonesty on the part of such person, shall be indemnified by the Region of Queens Municipality against, and it shall be the duty of the Council, out of the funds of the Region of Queens Municipality, to pay all costs, losses and expenses, including any amount paid to settle an action or claim or satisfy a judgment that such director, officer or person may incur or become liable to pay in respect of any claim made against such person in any civil, criminal or administrative action or proceeding to which such person is made a party by reason of being or having been a director or officer of the Queens Business Development Association whether the Region of Queens Municipality is a claimant or party to such action or proceeding or otherwise.

21.05 Every employee of the Queens Business Development Association and the heirs and legal representatives of such person, in the absence of any dishonesty, or serious cases of negligence on the part of such person, shall be indemnified by the Region of Queens Municipality against, and it shall be the duty of the Council, out of the funds of the Region of Queens Municipality, to pay all costs, losses and expenses, including any amount paid to settle an action or claim or satisfy a judgment that such employee may incur or become liable to pay in respect of any claim made against such person in any civil, criminal or administrative action or proceeding to which such person is made a party by reason of being or having been an employee of the Region of Queens Municipality whether the Region of Queens Municipality is a claimant or party to such action or proceeding or otherwise.

**POLICY PROCEDURE**

21.06 Whenever reasonably possible, the chief Administrative Officer shall consult with the Mayor, Councillor, employee of the Region of Queens Municipality or director and officers of the Queens Business Development Association prior to the engagement of counsel on behalf of the said person, regarding what counsel is to be retained at the expense of the Region of Queens Municipality and the terms and conditions of such retainer.

21.07 Each of the Mayor, Councillor, employee of the Region of Queens Municipality or director or officer of the Queens Business Development Association shall have the right to retain any additional counsel of his / her own choice, at his / her own expense.

21.08 The Region of Queens Municipality shall waive any claim it may have against the Mayor, Councillor, employee of the Region of Queens Municipality or director or officer of the Queens Business Development Association arising out of such actions or events.

**DEFINITIONS**

21.09 A serious case of negligence shall mean the willful or reckless commission, by a person covered under this policy, of an act which that individual was duty bound not to commit or the willful or reckless commission by a person covered under this policy of an act which that individual was duty bound to perform but shall not extend to acts of mere error in judgment.