

BY-LAW 91-381

BEING A BY-LAW OF THE REGIONAL MUNICIPALITY  
OF SUDBURY RESPECTING CIVIL PROCEEDINGS  
AGAINST EMPLOYEES

WHEREAS paragraph 50 of Section 207 of the Municipal Act and Section 136 of The Regional Municipalities Act permits the Council of The Regional Municipality of Sudbury to provide for the payment of costs incurred in defending and settling actions brought against its employees in the performance of their statutory duties;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE REGIONAL MUNICIPALITY OF SUDBURY HEREBY ENACTS AS FOLLOWS:

1. In this by-law,

"Employee" means any salaried officer, or any other person in the employ of The Regional Municipality of Sudbury or a local board of the Region and includes a member of the police force of The Regional Municipality of Sudbury and also includes a person who provides his or her services on behalf of the Region without remuneration, exclusive of reimbursement of expenses or honoraria, and includes members of the Sudbury Regional Development Corporation Board of Directors, The Regional Municipality of Sudbury Police Services Board, the Committee of Adjustment, the Land Division Committee, the Property Standard Appeal Committee, the Ministry of the Environment Liaison Committee, all members of Regional Council, and includes former employees of the Regional Municipality as defined herein.

2. The Regional Solicitor is hereby authorized to act on behalf of any employee against whom civil proceedings are taken as a result of acts or omissions done or made by him or her in his or her capacity as an employee including while acting in the performance or any statutory duty imposed by any general or special Act and also on behalf of any employee against whom charges have been laid pursuant to any Ontario Statute (except the Highway Traffic Act, the Municipal Conflict of Interest Act, or

any municipal by-law passed pursuant to any Ontario Statute), regardless of verdict, when such charges relate to acts or omissions done or made by him or her in his or her capacity as an employee including while acting in the performance of any statutory duty imposed by any general or special Act.

3. The employee may retain the services of his or her own solicitor to represent his or her interests instead of the Regional Solicitor as set out in Section 2 hereof, and the Region shall pay for all related legal fees and disbursements required in connection with the defending of the action or other proceeding and the settlement of or judgment of the action or other proceeding, and for all fines and penalties, with the exception of punitive damages.

4. The amount of payment for legal fees as set out in section 3 hereof shall be limited to the amount deemed reasonable by the Regional Solicitor in the circumstances in his or her sole discretion, and may be following a court Assessment of Costs, when deemed appropriate by the Regional Solicitor.

5. This by-law shall come into effect upon passage, and shall apply to all actions or other proceedings subsequently brought, whether or not the cause of such action or other proceeding pre-dates the date of passage of this by-law.

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL this 27th day of November, 1991.

CHAIR

CLERK