

BRAITHWAITE ESTATES IMPROVEMENT DISTRICT

BY-LAW NO. 104

A bylaw to indemnify an officer of the improvement district against a claim for damages arising out of the performance of his/her duties and to pay legal costs incurred in a court proceeding arising out of the claim.

The trustees of the Braithwaite Estates Improvement District ENACT AS FOLLOWS:

INTERPRETATION

In this bylaw "officer" means:

- (a) a member of the board of trustees;
- (b) an officer or employee of the improvement district.

INDEMNIFICATION

1. (a) The improvement district shall indemnify its officers against a claim for damages against them arising out of the performance of their duties and in addition pay the actual costs incurred by the officer in a court proceeding arising out of the claim.

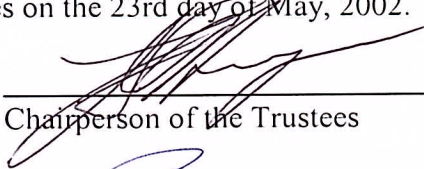
(b) Section 2 (a) applies in respect to a person who was an officer at the time he/she performed the duties out of which the claim arose, whether or not he/she is an officer at the time the claim for damages arises or the court proceeding arising out of the claim is commenced, prosecuted or concluded.

(c) Where any action of an officer results in a claim for damages against the improvement district, the board of trustees shall seek indemnity or reimbursement from the officer only where:
 - (i) claim arises out of gross negligence of the officer; or
 - (ii) the officer acted contrary to the terms of his or her employment or an order of a superior in relation to the action that gave rise to the claim.


2. This by-law may be cited as the "Braithwaite Estates Improvement District Indemnification By-law No. 104".

INTRODUCED and given first reading by the Trustees on the 23rd day of May, 2002.

RECONSIDERED and finally passed by the Trustees on the 23rd day of May, 2002.




Chairperson of the Trustees




Corporate Administrator

I hereby certify under the seal of the Braithwaite Estates Improvement District that this is a true copy of By-law No.104 of the Braithwaite Estates Improvement District passed by the Trustees on the 23rd day of May, 2002.

*A true copy of By-Law No. 104
registered in the office of the Inspector
of Municipalities this 11th day of
June 2002,*



Municipal Inspector of Municipalities



Corporate Administrator