

REIMBURSEMENT OR INDEMNIFICATION FOR ACTION OR JUDGMENT

PURPOSE

The City of Lethbridge Library Board has a mandate to provide library services to the city. The purpose of this policy is to give City of Lethbridge Library Board Trustees, Library employees, and Library volunteers protection from financial penalties resulting from actions or judgments against them while performing their duties to the Lethbridge Public Library and to set parameters on when the Library will reimburse such costs incurred.

This policy mirrors the spirit and intent of the City of Lethbridge Reimbursement or Indemnification for Action or Judgment policy (CC16) and should be kept current with updates to that policy.

PERSONS AFFECTED

City of Lethbridge Library Board Trustees/Library employees/Library volunteers ("Affected Person")

POLICY STATEMENT

It is the policy of the City of Lethbridge Library Board to provide legal defense and pay all reasonable expenses and costs with respect to any criminal or civil action taken against an Affected Person during the performance of their duties which are within the scope of the Affected Person's duties.

The City of Lethbridge Library Board will indemnify and save harmless any Affected Person from any action, claim, cause or demand, that may be made or arise from the performance of the duties of the position.

RESPONSIBILITIES

An Affected Person to:

Notify the City Solicitor and Library CEO upon being advised that legal action is being commenced or a claim is being made against the Affected Person, arising from the performance of their duties

PROCEDURES

Process

1. Any Affected Person is to notify the City Solicitor and the Library CEO upon being informed that any legal action is being commenced or a claim is being made against them.

2. A committee consisting of the CEO, the City Solicitor and the City Human Resource Manager shall determine if an action against an Affected Person is eligible for protection or indemnification under this policy.
3. The Affected Person or his/her designate, as well as the appropriate supervisor, shall be afforded an opportunity to present his/her case for protection or indemnification before the Committee.
4. The Affected Person may appeal the decision of the Committee to the City Manager.
5. Except where limited by the applicable Insurance Agreements, where outside legal assistance is deemed necessary, the appointment of a Solicitor will be mutually agreeable to the Affected Person and to the City Solicitor.

Limitations and Exclusion

The Lethbridge Public Library (and/or its insurers) reserves the right to defend in the name of and on behalf of the Affected Person and make such investigation, negotiation and settlement of any claim as may be deemed necessary or expedient by the Library. In the event the Library decides not to defend any action brought against an Affected Person, the Library shall, nevertheless pay on behalf of the Affected Person such damages as are awarded against the individual, limited to such amount as may have been previously negotiated for settlement but shall have the right to limit the amount it shall pay to the individual for reimbursement of legal fees and costs.

Notwithstanding the foregoing, the Lethbridge Public Library shall not be required to, but may defend and pay any fines or penalties levied or imposed against any Affected Person by reason of any conviction of charge for any violation of any criminal or quasi-criminal statute By-law, or regulation.

The Library is not condoning any actions of persons involved and the Lethbridge Public Library reserves the right to dispense whatever discipline it may deem appropriate if an Affected Person acting in the course of its duties goes beyond or short of or breaches what would be considered reasonable and prudent conduct for the relevant occupation.

Notwithstanding all of the above, the Lethbridge Public Library shall not be required to defend and/or pay a claim for damages against any Affected Person when that Affected Person has been grossly negligent or has acted contrary to the terms and conditions of their office.

REVISION HISTORY

- March 12, 2014: New policy
- February 23, 2021: Reviewed