

#57. - TOWN OF LUNENBURG POLICY:

**LEGAL COUNSEL FOR LUNENBURG COUNCIL,
COMMITTEE AND STAFF MEMBERS**

I. **Purpose**

The purpose of this Policy is to clarify a procedure for the provision of legal counsel for Lunenburg Town Council ("Council"), Committee members and staff in the event legal and/or criminal actions and/or investigations and/or a real threat of same are commenced against a Councillor(s), Committee member(s) and/or staff member(s) to ensure adequate legal coverage. Instances where legal counsel will not be provided are also addressed. This procedure is in addition to the statutory protection provided to a Municipality, its officers and employers pursuant to the Municipal Government Act and any other relevant legislation.

II. **Procedural Statement**

1. It will first be determined whether the Town of Lunenburg's ("Town") general commercial liability, errors and omissions and any other forms of insurance provide legal counsel coverage to Council, Committee and/or staff members in the event of a legal and/or criminal action(s) and/or investigation and/or a real threat of same. Should coverage exist, it will be obtained for the relevant person(s) in accordance with said policy.
2. If it is determined that the Town's insurance policies do not afford legal counsel coverage in the circumstances, the Town will indemnify the affected Council, Committee and/or staff member(s) for the monetary damages and legal costs for legal and/or criminal actions and/or a real threat of same, which arise in the bona fide discharge of their official duties. However, they will not be indemnified for actions which are dishonest, wilful, malicious or grossly negligent in that they are a marked departure from an appropriate standard of conduct in reference to the particular circumstances of a case.