

## **FIN-04: RMA Involvement in Member Legal Matters**

**Date Approved: July 30, 2008**

**Amended: January 19, 2012**

**Reconfirmed: December 15, 2016**

**Reconfirmed: February 28, 2020**

**Next Review Date: February 2022**

**Purpose:** To provide guidelines for the Association's involvement in the legal affairs affecting or legal actions involving members. This includes, but is not limited to, the timing of the involvement, the level of participation and any financial contributions.

**Policy Statement:** The Rural Municipalities of Alberta (RMA) will balance member-directed involvement in matters with fiscal and resource management in the support and protection of member interests while mitigating the risks to the organization. The Association has a mechanism to support issues of sufficient concern and of ultimate benefit to a majority of the membership.

### **Guidelines:**

1. It is only through an endorsed resolution that the RMA will become involved in member legal matters. For the purposes of this policy, member legal matters include only legal appeals that have already been heard at least once by a Provincial or Federal Court. Subsequent appeals will only be supported by the Association through a new member-endorsed resolution.
2. It is only through an endorsed resolution that the RMA can be directed by the membership to conduct a legal analysis or review of an issue.
3. The RMA will enter into a specific agreement for each member-directed legal matter to establish the items outlined in Procedures 4, 5 and 6 below.
4. The RMA reserves the right to engage legal counsel of their choice.
5. Regardless of the RMA being named as a plaintiff, the RMA becomes the lead in the legal action with full decision-making powers.
6. The RMA shall be the only entity authorized to provide direction to legal counsel unless expressly authorized by written consent.
7. The RMA will contribute 25 per cent of the legal costs up to a maximum of \$10,000 in any member legal appeal.
8. The RMA will contribute up to a maximum of \$5,000 to obtain a legal analysis or review.
9. Any remaining or additional legal costs pursuant to Procedure 7 or 8 will be requisitioned from the membership based on the formula used to calculate membership fees.

10. Any financial recovery that is realized from legal proceedings will be returned to the RMA and the members for costs incurred as outlined in Procedures 7, 8 and/or 9. Any damages or additional awards are not included in this policy.
11. The RMA will not financially support member legal matters where the matter has been decided prior to the resolution passing on the convention floor.