

INDEMNIFICATION AND TORT REPRESENTATION

WHEREAS, the purpose of this resolution is to make orderly provision for the legal and financial protection of county officers, employees and their marital communities from personal liability for acts or omissions committed by such officers and employees while within the scope of their official county duties; and

WHEREAS, consistent with the powers vested in the county legislative authority by RCW 36.14.134, whenever an action or proceeding for damages is brought against any officer or employee or against such officer or employees' marital community, and the Board of Mason County Commissioners finds that such action or proceeding arose from acts or omissions while performing or in good faith purporting to perform his or her official duties and when such officer or employee has requested defense of the action or proceeding at the expense of the county, the Board of Mason County Commissioners shall grant such request. Upon such granting of the request, the necessary expenses of defending the action or proceeding by the prosecuting attorney shall be paid by the county and any final money judgement against said officer or employee or said marital community shall be paid by the county, unless the court finds the act or omission giving rise to judgement, did not rise from good faith performance of official duty; and

WHEREAS, where a county officer, employee or his or her marital community is sued for an act determined pursuant to the second paragraph of this resolution to be within the scope of such officer's or employee's official duties, the prosecuting attorney shall be responsible for defense of that person or marital community, and shall direct recommendations, if any for settlement of such suites to the Board of Mason County Commissioners. In arriving at any such recommendation for settlement, the prosecuting attorney shall consult with the county agency most involved with the litigation and/or named as a party to the lawsuit; and

WHEREAS, except as specifically directed by the prosecuting attorney, no agency and no county officer or employee may engage in negotiating or otherwise affecting the settlement of such an action or proceeding for damages against the county; or make an admission of liability involving such an action or proceeding for damages against the county; or discuss with persons who are not county employees incidents which could reasonably lead to actions or proceedings for damages against the county, or its officers or employees, with respect to actions or proceedings for damages defended pursuant to this resolution; and

WHEREAS, should any section, subsection, paragraph, sentence, clause or phrase of this resolution be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

DATED this 25th day of April, 1989.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Rebecca S. Rogers
Clerk of the Board

Annette S. McGee
Annette S. McGee
Chairperson

APPROVED AS TO FORM:

Michael D. Gibson
Michael D. Gibson
Commissioner

[Signature]
Deputy Prosecutor

William O. Hunter
William O. Hunter
Commissioner

xc: File
Accounting Dept (2)
Treasurer
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