

Resolution #16-07

**A RESOLUTION OF THE BLACK LAKE SPECIAL DISTRICT GOVERNING BOARD
PROVIDING FOR DEFENSE OF DIRECTORS, OFFICERS, VOLUNTEERS, AND
EMPLOYEES PURSUANT TO RCW 4.96.041.**

WHEREAS, *RCW 4.96.041* provides that whenever an action or proceeding for damages is brought against any past or present officer, employee, or volunteer, such officer may request the defense of the action or proceeding at the expense of the local governmental entity; and

WHEREAS, *RCW 88.38.075* provides that if the local governmental entity finds that the acts or omissions of the officer, employee, or volunteer were, or in good faith purported to be, within the scope of his or her official duties, the request shall be granted and the necessary expenses of defending the action or proceeding shall be paid by the local governmental entity; and, any monetary judgment against the officer shall be paid on approval of the legislative authority of the local governmental; and

WHEREAS, *RCW 88.38.075* provides that the necessary expenses of defending an elective officer of the local governmental entity in a judicial hearing to determine the sufficiency of a recall charge as provided in *RCW 29.82.023* shall be paid by the local governmental entity if the officer requests such defense and approval is granted by both the legislative authority of the local governmental entity and the attorney representing the local governmental entity; and the expenses paid by the local governmental entity may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge; and

WHEREAS, *RCW 88.38.075* provides that when an officer, employee, or volunteer of the local governmental entity has been represented at the expense of the local governmental entity and the court hearing the action has found that the officer, employee, or volunteer was acting within the scope of his or her official duties, and a judgment has been entered against the officer, employee, or volunteer under chapter 4.96 RCW or 42 U.S.C. Sec. 1981 et seq., thereafter the judgment creditor shall seek satisfaction for nonpunitive damages only from the local governmental entity, and judgment for nonpunitive damages shall not become a lien upon any property of such officer, employee, or volunteer; and, the district may agree to pay an award for punitive damages.

NOW THEREFORE IT IS HEREBY RESOLVED THE BLACK LAKE SPECIAL DISTRICT SHALL USE THE FOLLOWING PROCEDURE TO REVIEW REQUESTS FOR PAYMENT OF DAMAGES AND EXPENSES OF DEFENSE:

Section 1. Requests for defense of an action or proceeding for damages brought against any past or present officer, employee, or volunteer of the Black Lake Special District, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, shall be submitted in writing and include:

- a) Name and address of requester; and
- b) Date of request; and
- c) Other contact information, including telephone number and email address; and
- d) A detailed description of the event; and
- e) Copies of all records related to the event; and
- f) A detailed description of the remedy the requestor is seeking.

Section 2. The Black Lake Special District will review all materials related to the request and issue a decision as to whether or not the district will authorize the defense of the action or proceeding at the expense of the district.

ADOPTED by the Black Lake Special District Governance Board this _ day of May, 2016.



Commissioner



Commissioner



Commissioner

ATTEST:



Craig Ottavelli