BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS

IN THE MATTER OF
INDEMNIFICATION FOR ACTS OR
OMISSIONS WHILE PERFORMING
OFFICIAL DUTIES

Ordinance No. 2019-06

ADOPTING ORDINANCE INDEMNIFYING ACTS
OR OMISSIONS WHILE PERFORMING
OFFICIAL DUTIES

WHEREAS, RCW 4.96.041 makes it clear that: (1) Whenever an action or proceeding for damages is brought against any past or present officer, employee, or volunteer of a local governmental entity of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer, employee, or volunteer may request the local governmental entity to authorize the defense of the action or proceeding at the expense of the local governmental entity; and

WHEREAS, if the legislative authority of the local governmental entity, or the local governmental entity using a procedure created by ordinance or resolution, 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

WHEREAS, the County, if the request is granted, shall pay all necessary expenses of defending the action or proceeding;

NOW, THEREFORE, IT IS ORDAINED: Stevens County shall grant the request to defend a claim and pay the necessary expenses of defense upon a determination that the claim is based upon an alleged act or omission of the officer, employee or volunteer which was, or in good faith purported to be, within the scope of his or her official duties.

A. Such determination shall be made as follows:
   1) By a majority vote of a quorum of the board of county commissioners consisting of members not named as a party to such claim; or
   2) If a quorum of unnamed members of the board is not possible, then by a written opinion of legal counsel, other than the prosecuting attorney, as selected by the board. Such legal counsel shall not be an attorney or member of a law firm who has performed services within the past three years for Stevens County.

THEREFORE, IT IS FURTHER ORDAINED, when Stevens County has defended a claim against an officer, employee or volunteer, 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, Stevens County shall pay any final nonpunitive monetary judgment entered on such claim, after termination of all appellate review, if any. Pursuant to RCW 4.96.041, a judgment creditor shall seek satisfaction for a nonpunitive monetary judgment only from Stevens County and a judgment for nonpunitive damages shall not become a lien upon any property of the officer, employee or volunteer; and

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THEREFORE, IT IS FURTHER ORDAINED, when Stevens County has defended a claim against an officer, employee or volunteer, 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, Stevens County shall pay any final punitive monetary judgment entered on such claim, after termination of all appellate review, if any. Pursuant to RCW 4.96.041, a judgment creditor shall seek satisfaction for a punitive monetary judgment only from Stevens County and a judgment for punitive damages shall not become a lien upon any property of the officer, employee or volunteer.

Passed by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 14th day of May, 2019.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

BOARD OF COUNTY COMMISSIONERS OF STEVENS COUNTY, WASHINGTON

Wes McCourt
Chairman Wes McCourt

Steve Parker
Commissioner Steve Parker

Don Dashiell
Commissioner Don Dashiell

Attest:
Patricia A. Chester
Clerk of the Board

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