AN ORDINANCE of the City of Kent, Washington, defending and indemnifying elected officials, municipal employees and members of city boards or commissions.

WHEREAS the City of Kent, Washington, recognizes the need to encourage elected officials, municipal employees and members of boards and commissions to efficiently perform their duties and to protect the individuals in the performance of such duties, NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. LEGAL COUNSEL AND INDEMNIFICATION TO BE PROVIDED. The City Council shall in all cases provide competent legal counsel of its choosing, to defend any elected official, officer or employee of the City, or the member of any city board or commission who is a party, or is threatened to be made a party to any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that said person is or was an elected official or officer or employee of the City, or member of any city board or commission, and shall pay or indemnify such elected official, officer or employee, or member of any city board or commission as against all expenses, fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding, except as otherwise provided herein.

Section 2. EXCEPTIONS. Nothing herein shall be construed to require the City to provide legal counsel or such indemnification for any elected official, officer or employee of the City, or the member of any city board or commission, in the following situations:

(1) In civil matters, where the elected official, officer or employee, or board or commission member;
   a) is the plaintiff or moving party; or
   b) where it shall be finally adjudicated in any action, suit or proceeding that said elected official or officer or employee, or board or commission member
shall not have acted in good faith and in the reasonable belief that his or her action was in the best interest of the City.

(2) In criminal matters, where the elected official, officer or employee, or board or commission member;
   a) is the complaining party; or
   b) had reasonable cause to believe that such conduct was unlawful.

Termination of any action, suit or proceeding by judgment, order or conviction adverse to such person, or by settlement, shall not of itself create a presumption that such person did not act in good faith and in the reason or belief that his or her action was in the best interest of the City, and with respect to any criminal action or proceeding had reasonable cause to believe that his or her conduct was unlawful.

Section 3. OTHER LEGAL COUNSEL. Nothing herein shall be construed to prohibit any such elected official, officer or employee, or member of any city board or commission from seeking additional legal counsel other than that provided by the City. However, nothing herein shall be construed as to require the City to pay any fees or other expenses incurred as a result of employment of such additional counsel.

Section 4. OTHER RIGHTS. The rights provided for in this Ordinance shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any other statute, ordinance, agreement, insurance or policy of the City.

Section 5. CITY ATTORNEY RESPONSIBILITIES. In circumstances involving litigation or other legal proceeding between two persons qualifying for the privileges granted herein, the City Attorney will not be required to represent or otherwise participate on behalf of either party.

Section 6. This Ordinance shall take effect and be in force five (5) days from and after passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR
ATTEST:

MARY JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 20 day of August, 1979.
APPROVED the 21 day of August, 1979.
PUBLISHED the 24 day of August, 1979.

I hereby certify that this is a true copy of Ordinance No. 2176, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(MARIE JENSEN, CITY CLERK (SEAL))