

18751

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June 18, 2018
Indemnification

Sponsor: von Reichbauer

[wsh]

PvR → Carried

Proposed No.: 2018-0229

1 **AMENDMENT TO PROPOSED ORDINANCE 2018-0229, VERSION 1**

2 On page 3, line 51, after "to this ordinance" insert "except as otherwise provided in
3 section 2 of this ordinance"

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5 On page 3, after line 52, insert:

6 "SECTION 2. Based on the recommendation from King County's risk manager,
7 the executive is requested to negotiate with the state of Washington Department of
8 Enterprise Services to amend the interlocal cooperation agreement to delete the current
9 language in section 6, Responsibility of the Parties, of the interlocal agreement and
10 replace it with the following language, or substantially similar language:

11 Each party agrees to defend, indemnify and hold harmless each other, their
12 respective officials, agents and employees, from and against any and all
13 claims, damages, injuries, liabilities, actions, fines, penalties, costs and
14 expenses (including reasonable attorney fees) that arise out of or are
15 related to the negligent acts or omissions of the indemnifying party (and
16 its officials, agents, employees acting within the course and scope of their
17 employment) and in the performance of said party's obligations under this
18 Agreement or the exercise of party's rights and privileges under this

19 Agreement. In the event any such liability arises from the concurrent
20 negligence of the indemnifying party and the other party, the indemnity
21 obligation of this section shall apply only to the extent of the negligence of
22 the indemnifying party and its actors.

23 The foregoing provisions specifically and expressly intend to constitute a
24 waiver of each party's immunity under industrial insurance, Title 51 RCW,
25 as respects the other party only, and only to the extent necessary to
26 provide the indemnified party with a full and complete indemnity of
27 claims made by the indemnitor's employees. This waiver has been
28 mutually negotiated."

29 **EFFECT:** *Would request the executive to negotiate with the state to add to the*
30 *interlocal agreement indemnification language recommended by the risk manager.*