



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**September 10, 2012**

**Ordinance 17408**

**Proposed No. 2012-0236.1**

**Sponsors McDermott**

1 AN ORDINANCE relating to risk management; amending  
2 Ordinance 3581, Section 2, as amended, and K.C.C. 4.12.020,  
3 Ordinance 11984, Section 3, as amended, and K.C.C. 4.12.030,  
4 Ordinance 12076, Section 38, as amended, and K.C.C. 4.12.040,  
5 Ordinance 3581, Section 6, as amended, and K.C.C. 4.12.050,  
6 Ordinance 3581, Section 7, as amended, and K.C.C. 4.12.060,  
7 Ordinance 3581, Section 8, as amended, and K.C.C. 4.12.070,  
8 Ordinance 3581, Section 9, as amended, and K.C.C. 4.12.080,  
9 Ordinance 3581, Section 10, as amended, and K.C.C. 4.12.090 and  
10 Ordinance 3581, Section 11. and K.C.C. 4.12.100, repealing  
11 Ordinance 11032, Section 27, and K.C.C. 4.13.010, and Ordinance  
12 11032, Section 27, and K.C.C. 4.13.020 and recodifying K.C.C.  
13 4.12.010.

14 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

15 SECTION 1. There is hereby established a new chapter in K.C.C. Title 2. The  
16 new chapter shall contain K.C.C. 4.12.010, as recodified by this ordinance, K.C.C.  
17 4.12.020, as recodified by this ordinance, K.C.C. 4.12.030, as recodified by this  
18 ordinance, K.C.C. 4.12.040, as recodified by this ordinance, K.C.C. 4.12.050, as  
19 recodified by this ordinance, K.C.C. 4.12.060, as recodified by this ordinance, K.C.C.

20 4.12.070, as recodified by this ordinance, , K.C.C. 4.12.080, as recodified by this  
21 ordinance, , K.C.C. 4.12.090, as recodified by this ordinance, and K.C.C. 4.12.100, as  
22 recodified by this ordinance.

23 SECTION 2. K.C.C. 4.12.010 is hereby recodified as a new section in the new  
24 chapter established in section 1 of this ordinance.

25 SECTION 3. K.C.C. 4.12.020 is hereby recodified as a new section in the new  
26 chapter established in section 1 of this ordinance.

27 SECTION 4. Ordinance 3581, Section 2, as amended, and K.C.C. 4.12.020 are  
28 each hereby amended to read as follows:

29 ~~((As used in this chapter, the following words and terms shall have the meanings~~  
30 ~~set forth herein:))~~ The definitions in this section apply throughout this chapter unless the  
31 context clearly requires otherwise.

32 A. "Chief civil deputy" means the chief deputy of the civil division, office of the  
33 ~~((King County prosecutor))~~ prosecuting attorney or ~~((his))~~ the chief civil deputy's  
34 designee;

35 B. "Civil division" means the civil division of the office of the ~~((King County~~  
36 ~~prosecutor))~~ prosecuting attorney;

37 C. "Claims" ~~((shall))~~ means any claim ~~((naming))~~ that names the county,  
38 ~~((and/or))~~ its officer~~((s))~~, employee~~((s))~~ or ~~((authorized))~~ agent~~((s))~~, while acting in good  
39 faith with no reasonable cause to believe the conduct was unlawful and within the scope  
40 of ((their official duties,)) the county officer, employee or agent's service to or  
41 employment with the county as a cause or causes of injury or damage and ((which)) that  
42 alleges a tort cause of action and asks for money damages.

43 D. "Lawsuit" means any lawsuit (~~((naming))~~) that names as a defendant the county,  
44 (~~((and/or))~~) its officers, employees or (~~((authorized))~~) agents, while acting in good faith  
45 within the scope of their official duties, (~~((as defendant(s), which lawsuit))~~) that alleges a  
46 tort cause of action and that asks for money damages;

47 E. "Committee" means the risk management committee established by  
48 (~~((Section))~~) K.C.C. 4.12.040, as recodified by this ordinance;

49 F. (~~((("Council" means the King County council, as defined by Article 2 of the~~  
50 ~~King County Charter;~~

51 G. ~~("Executive" means the King County executive, as defined by Article 3 of the~~  
52 ~~King County Charter or his designee;~~

53 H.) "Risk management" means a coordinated and continuous management  
54 process to identify potential loss exposures, to apply reasonable and effective risk  
55 controls and to insure that the financial integrity of (~~((King))~~) the ((C))county is not  
56 impaired after a loss;

57 (~~((I. "RM" means the risk manager or his designee;~~

58 J.) G. "Safety manager" means the manager of the (~~((office of))~~) safety and  
59 (~~((workers compensation program))~~) claims management division of the department of  
60 executive services.

61 SECTION 5. K.C.C. 4.12.030 is hereby recodified as a new section in the new  
62 chapter established in section 1 of this ordinance.

63 SECTION 6. Ordinance 11984, Section 3, as amended, and K.C.C. 4.12.030 are  
64 each hereby amended to read as follows:

65           A. The risk management division is established in K.C.C. chapter 2.16. The  
66 manager of the risk management division shall be the risk manager, who shall report  
67 directly to the director of the department of executive services.

68           B.1. The risk manager shall be responsible for administration of the risk  
69 management program.

70           2. The risk manager shall coordinate with the civil division on contractual  
71 matters giving rise to potential liability on the part of the county. The risk manager shall  
72 seek the advice of the civil division as to appropriate language regarding insurance,  
73 indemnification, releases and hold harmless clauses. Thereafter, the risk manager shall  
74 advise department directors and division managers concerning these matters as part of a  
75 coordinated process (~~(prior to)~~) before finalization of county contracts.

76           3. The risk manager shall be the chairperson of the committee and shall advise  
77 the committee concerning insurance, risk management policies, broker selection and  
78 other appropriate matters.

79           4. With the approval of the committee, the risk manager shall select appropriate  
80 insurance brokers by use of a competitive procurement process for the marketing of  
81 insurance and related services.

82           5. The risk manager shall be responsible for the purchasing and administration  
83 of all (~~(such)~~) insurance policies, funded self-insurance programs and related services as  
84 are consistent with good risk management policy and the needs of the county. In  
85 purchasing insurance policies, the risk manager shall obtain the approval of the  
86 committee.

87           6. The risk manager shall advise all county departments(~~(, divisions))~~) and other  
88 county agencies regarding risk management and reduction of risk and exposure to loss,  
89 including programs and precautions for safety to reduce hazards to the public that may  
90 exist in county facilities and operations. The risk manager shall cooperate with the safety  
91 manager in areas (~~(where))~~ in which, in the opinion of the risk manager, the safety of  
92 employees and (safety) of the public requires coordinated programs. The risk manager  
93 shall also be responsible for answering all insurance or funded self-insurance coverage  
94 questions. The (~~(RM))~~ risk manager shall be responsible for the evaluation of current and  
95 future county or departmental insurance coverage programs and have the authority to  
96 make recommendations where such an action is in the best interests of the county.

97           7. The risk manager shall have the power, subject to budget authorization(~~(s))~~),  
98 to contract for such outside assistance and perform such other acts as are necessary to  
99 carry out (~~(his/her))~~ the risk manager's responsibilities in an expeditious manner.

100           8. The risk manager (~~(shall have the responsibility to))~~ is responsible for  
101 establishing reserve requirements for all claims and lawsuits and recommending  
102 financing plans and budget actions to assure that adequate resources are available to meet  
103 risk management financing requirements.

104           9. The risk manager (~~(shall have responsibility))~~ is responsible for risk  
105 identification, control and reduction, including authority to make recommendations to all  
106 county departments(~~(, divisions))~~) and agencies regarding the safety of the public using  
107 county facilities or services.

108 C.1. The risk manager shall have the power to employ the services of ~~((such))~~  
109 claims specialists or other ~~((parties as))~~ persons who are necessary to process claims in an  
110 equitable and expeditious manner.

111 2. The risk manager shall cooperate with the civil division in coordinating  
112 information pertinent to claims and lawsuits against the county.

113 3. ~~((For all claims of fifty thousand dollars or less, t))~~ The risk manager shall  
114 ~~((make final disposition except that, for all claims over two thousand five hundred~~  
115 ~~dollars, the risk manager shall seek the advice of the civil division prior to final~~  
116 ~~disposition))~~ dispose of claims as authorized in K.C.C. 4.12.070.E, as recodified by this  
117 ordinance.

118 4. The risk manager shall maintain complete histories of all claims and claims  
119 litigation, insured or funded self-insurance, loss histories and investigations of claims.  
120 The risk manager shall be responsible to ~~((i))~~ ensure that complete files are maintained of  
121 all claims asserted against the county and all incidents reported to the risk management  
122 division sufficient to document at least a five-year claims history.

123 D.1. The risk manager shall provide quarterly reports to the council on claims  
124 that have been closed with an indemnity payment in the amount of one hundred thousand  
125 dollars or more. The report shall identify the claimant, include a description of the claim,  
126 identify the amount of the indemnity payment, identify if the payment was a result of a  
127 settlement, a judgment, or payment to an insurance company or other party and shall  
128 include any other information the risk manager feels would be helpful to the council in  
129 understanding the nature of the claim. ~~((The reports shall take the form of one original~~  
130 ~~letter with an attached table that provides the information required in this section, and an~~

131 ~~electronic version of the letter and table, submitted to the clerk of the council for~~  
132 ~~distribution to all councilmembers.))~~ The reports are due thirty days after the end of each  
133 calendar quarter of the year.

134 2. The risk manager on or before March 31 of ~~((the subsequent))~~ each year shall  
135 report to the council the total number and amount of all claims filed against the county  
136 and the number and amounts of all claims paid by the county during the preceding     
137 calendar year. The risk manager shall also make an annual report to the committee and  
138 the council regarding insurance coverage and the level of retained risk.

139 E. The reports required by this section shall take the form of one original letter  
140 with an attached table that provides the information required in this section, and an  
141 electronic version of the letter and table, submitted to the clerk of the council for  
142 distribution to all councilmembers.

143 SECTION 7. K.C.C. 4.12.040 is hereby recodified as a new section in the new  
144 chapter established in section 1 of this ordinance.

145 SECTION 8. Ordinance 12076, Section 38, as amended, and K.C.C. 4.12.040 are  
146 each hereby amended to read as follows:

147 A. There is created a risk management committee to be composed of the  
148 ~~((following individuals: RM;))~~ risk manager, the safety manager((;)), the chief civil  
149 deputy((;)) and the director of the office of performance, strategy and budget. The  
150 ~~((RM))~~ risk manager shall chair the committee. The safety manager shall be a nonvoting  
151 member of the committee and shall ~~((serve to))~~ inform and advise the committee on  
152 safety matters and coordinate employee safety programs with the risk identification and  
153 control functions of the committee.

154 B. The risk management committee shall:

155 1. Make recommendations to the council and executive regarding risk  
156 management policy and shall cause ~~((such))~~ the policy to be established and kept current;

157 2. Approve the selection of ~~((all))~~ insurance brokers ~~((submitted to it,))~~ chosen  
158 as a result of a competitive procurement process;

159 3. ~~((Render advice to))~~ Advise the ~~((RM))~~ risk manager on matters concerning  
160 the purchase of insurance policies and advise on the design of insurance and funded self-  
161 insurance programs;

162 4. Advise the ~~((RM))~~ risk manager concerning matters of risk management  
163 policy; and

164 5. Approve the purchase of all insurance policies.

165 SECTION 9. K.C.C. 4.12.050 is hereby recodified as a new section in the new  
166 chapter established in section 1 of this ordinance.

167 SECTION 10. Ordinance 3581, Section 6, as amended, and K.C.C. 4.12.050 are  
168 each hereby amended to read as follows:

169 A. ~~((LEGAL ADVISOR OF COUNTY.))~~ This section is consistent with and  
170 implements ~~((in part state law,))~~ RCW 36.27.020, which makes the prosecuting attorney  
171 the legal advisor of the county.

172 B. ~~((DUTIES. 1. The prosecuting attorney, in accordance with state law, RCW  
173 36.27.020, shall be primarily responsible for the defense of all lawsuits against the  
174 county, or against county officials, employees or authorized agents, acting in good faith  
175 within the scope of their official county duties, except where insurance or service  
176 contracts provide for defense. The prosecuting attorney may contract with outside~~



177 ~~counsel for legal services where appropriate.)~~ 1. Subject to the other provisions of this  
178 chapter, the county shall provide legal representation and indemnification to protect  
179 county officers, employees, agents and their marital communities from personal liability  
180 for alleged violations of civil or criminal law resulting from or based upon alleged acts or  
181 omissions of the officers, employees or agents. To have the benefit of the legal  
182 representation and indemnification, the county officer, employee or agent must have  
183 performed or acted in good faith, with no reasonable cause to believe the conduct was  
184 unlawful and within the scope of the county officer's, employee's or agent's service to or  
185 employment with the county.

186 2. The civil division shall provide legal advice to the ((RM)) risk manager  
187 regarding the disposition of all claims against the county.

188 3. The civil division shall keep the ((RM)) risk manager advised of the current  
189 status and progress of all claims litigation.

190 4. The civil division shall direct any recommendations for settlement of claims  
191 or lawsuits to the authority designated by ((Sections)) K.C.C. 4.12.030, as recodified by  
192 this ordinance, and 4.12.080, as recodified by this ordinance, as having final settlement  
193 authority. In recommending settlement of claims or lawsuits, the civil division shall  
194 consult, in conjunction with the risk management office, with the department((~~-division~~))  
195 or other county agency most involved with the litigation ((and/)) or named as a party to  
196 the lawsuit.

197 5. In reviewing contract language involving indemnification, releases, hold  
198 harmless clauses or insurance matters, the civil division shall provide advice to the  
199 ((RM)) risk manager.

200           6. The prosecuting attorney may contract with outside counsel for legal services  
201 where appropriate.

202           7. The chief civil deputy of the civil division shall resolve any ~~((and all))~~  
203 questions relating to ~~((the following issues))~~:

204           a. whether a county official, employee or ~~((authorized))~~ agent acted in good  
205 faith ~~((within the scope of his or her official county duties))~~ with no reasonable cause to  
206 believe the conduct was unlawful and within the scope of the county officer, employee  
207 or agent's service to or employment with the county; ~~((and))~~

208           b. whether, for purposes of the issues raised by a particular claim or lawsuit, a  
209 person is in fact a county official, employee or ~~((authorized))~~ agent; or

210           c. whether or not a county officer, employee or agent performed or acted as  
211 required to have the benefit of county legal representation and indemnification.

212           C. Any reasonable costs and expenses incurred in the provision of legal  
213 representation and indemnification for criminal law allegations, driving infractions and  
214 professional licensing matters shall be paid from the funds appropriated to the particular  
215 county department or agency employing or retaining the affected county officer,  
216 employee or agent. Any reasonable costs and expenses incurred in the provision of legal  
217 representation and indemnification for tort claims and lawsuits shall be paid from  
218 available insurance or funded self-insurance program.

219           SECTION 11. K.C.C. 4.12.060 is hereby recodified as a new section in the new  
220 chapter established in section 1 of this ordinance.

221           SECTION 12. Ordinance 3581, Section 7, as amended, and K.C.C. 4.12.060 are  
222 each hereby amended to read as follows:

223           A. ~~((COOPERATION:))~~ All county departments~~((, divisions))~~ or agencies and  
224 the officers, employees and ~~((authorized))~~ agents ~~((thereof are hereby directed to))~~ of  
225 those departments and agencies shall cooperate fully and in good faith with the ~~((RM))~~  
226 risk-manager and the civil division in the investigation and defense of claims and  
227 lawsuits. When deemed necessary by the chief civil deputy or deputy prosecutor  
228 assigned to the case, ~~((such))~~ the assistance may include, but not be limited to, the  
229 providing of testimony and exhibits for use in litigation. Any request for information by  
230 the office of risk management shall be considered a request by the civil division.

231           B. ~~((FORBIDDEN ACTS:))~~ Except as specifically directed by the ~~((RM))~~ risk  
232 manager or the civil division, ~~((no))~~ a county department~~((, division or other county))~~ or  
233 agency, ~~((and no))~~ or a county official~~((, employee,))~~ or ~~((authorized))~~ speaking agent,  
234 ~~((acting individually or collectively, may engage in the following acts))~~ or an employee  
235 or agent represented by the civil division or by outside counsel at the county's expense  
236 should not:

237           1. Negotiate or otherwise affect the settlement of a claim or lawsuit against the  
238 county or;

239           2. Make an admission of liability involving a claim or lawsuit against the  
240 county~~((;))~~.

241           C. except as specifically directed by the risk manager or the civil division, a  
242 county department or agency, or a county official or speaking agent, or an employee or  
243 agent represented by the civil division or by outside legal counsel at the county's expense  
244 should not:

245           ((3))1. Discuss with persons who are not county employees incidents ((which))  
246 that could reasonably lead to claims or lawsuits against the county; or

247           ((4))2. Discuss with persons who are not county employees incidents ((which))  
248 that are the subject of pending claims or lawsuits.

249           C. ((REPORTING ACCIDENTS AND INCIDENTS.)) In the event of an  
250 accident, incident or occurrence causing bodily injury or property damage involving  
251 county vehicles, property or personnel acting within the scope of their employment, the  
252 knowledgeable county officers, ((agents,)) employees and ((authorized)) agents shall  
253 provide notice to the office of risk management as soon as practicable. ((Such)) The  
254 notice shall include all reasonably obtainable information with respect to the time, place  
255 and circumstances of ((said)) the accident, incident or occurrence and the names and  
256 addresses of all knowledgeable county personnel, injured or affected parties((;)) and  
257 available witnesses.

258           SECTION 13. K.C.C. 4.12.070 is hereby recodified as a new section in the new  
259 chapter established in section 1 of this ordinance.

260           SECTION 14. Ordinance 3581, Section 8, as amended, and K.C.C. 4.12.070 are  
261 each hereby amended to read as follows:

262           A. ((PLACE FOR FILING; CONTENT.)) 1. All claims against the county for  
263 damages arising out of tortious conduct shall be presented to and filed with the clerk of  
264 the council on a claim form provided by the county or the state.

265           2. All such claims shall be verified by oath or affidavit and shall ((accurately)):

266           a. describe the conduct and circumstances ((which)) that brought about the  
267 injury or damage((;));

268           **b.** describe the injury or damage~~((s))~~;

269           **c.** state the time and place the injury or damage occurred~~((s))~~;

270           **d.** state the names of all persons involved, if known~~((,))~~; and ~~((shall))~~

271           **e.** contain the amount of damages claimed, together with a statement of the

272 actual residence of the claimant at the time of presenting and filing the claim and for a

273 period of six months immediately ~~((prior to))~~ before the time the claim arose.

274           **3.** If the claimant is incapacitated from verifying, presenting~~((s))~~ and filing

275 ~~((his))~~ the claim, ~~((or))~~ if the claimant is a minor~~((s))~~ or if the claimant is a nonresident of

276 the state, the claim may be verified, presented~~((s))~~ and filed on behalf of the claimant by

277 any relative, attorney~~((s))~~ or agent representing ~~((him))~~ the claimant. With respect to the

278 content of such claims, this section shall be liberally construed so that substantial

279 compliance will be deemed satisfactory.

280           **B** ~~((PERIOD AND REQUISITES. No))~~ An action shall not be commenced

281 against the county for damages arising out of tortious conduct until a claim has first been

282 presented to and filed with the clerk of the council.

283           **C.** ~~((The requirements of t))~~ This section shall not affect the applicable period of

284 limitations within which an action must be commenced, but ~~((such))~~ the period shall

285 begin and shall continue to run as if no claim were required.

286           ~~((C. TRANSMITTAL.))~~ **D.** The clerk of the council shall ~~((initiate the~~

287 ~~processing of a claim by))~~ immediately ~~((transmitting))~~ transmit the original of the claim

288 to the ~~((RM. The clerk of the council shall at the same time send a copy of the letter of~~

289 ~~transmittal to))~~ risk manager and notify the civil division of the transmittal.

290 ~~((D. DISPOSITION.))~~ E.1. For all claims of ~~((fifty))~~ one hundred thousand  
291 dollars or less, the ~~((RM))~~ risk manager shall ~~((be))~~ have the final payment authority and  
292 shall make final disposition by either granting or denying ~~((such))~~ the claim~~((; Provided~~  
293 that,)).

294 2. ~~((f))~~ For all claims over ~~((two thousand five hundred))~~ ten thousand dollars,  
295 the ~~((RM))~~ risk manager shall seek the advice of the civil division ~~((prior to))~~ before final  
296 disposition.

297 ~~((2.))~~ 3. For all claims above ~~((fifty))~~ one hundred thousand dollars, the county  
298 executive shall make final disposition after receiving advice from the civil division and  
299 the ~~((RM))~~ risk manager.

300 SECTION 15. K.C.C. 4.12.080 is hereby recodified as a new section in the new  
301 chapter established in section 1 of this ordinance.

302 SECTION 16. Ordinance 3581, Section 9, as amended, and K.C.C. 4.12.080 are  
303 each hereby amended to read as follows:

304 A. ~~((SERVICE OF PROCESS.))~~ Service of a summons and complaint ~~((on the~~  
305 ~~clerk of the council shall constitute service on the county for purpose of state law, RCW~~  
306 ~~4.28.080. B. SERVICE ON OFFICER OR EMPLOYEE))~~ shall be as provided in  
307 K.C.C. 2.04.010. Any county official or employee who is served with a summons  
308 and~~((/or))~~ complaint in a lawsuit against the county or against any of its officials,  
309 employees or ~~((authorized))~~ agents alleged to be acting in their official capacities shall  
310 immediately deliver the summons and~~((/or))~~ complaint to the clerk of the council.

311 ~~((C. DISTRIBUTION.))~~ B. The clerk of the council, upon accepting service of  
312 the summons and~~((/or))~~ complaint shall immediately deliver ~~((copies thereof))~~ the

313 summons and complaint to the civil division. The civil division shall docket the lawsuit  
314 and send a copy of the summons and ~~((/or))~~ complaint to the office of risk management.

315 ~~((D. DEFENSE.))~~ C. The prosecuting attorney shall defend, or provide for the  
316 defense ~~((,))~~ of, all ~~((self-insured))~~ lawsuits against the county or any of its officials,  
317 employees or ~~((authorized))~~ agents, acting in good faith ~~((within the scope of their  
318 official duties; Provided that, such))~~ with no reasonable cause to believe the conduct was  
319 unlawful and within the scope of the county officer, employee or agent's service to or  
320 employment with the county, as long as the individuals discharge their obligations ((as  
321 set forth)) in ((Section)) K.C.C. 4.12.060, as recodified by this ordinance.

322 ~~((E. SETTLEMENT.))~~ D. Final authority for settlement of self-insured lawsuits  
323 shall be as follows:

324 1. The ~~((RM))~~ risk manager, acting with the advice of the civil division, may  
325 authorize settlements of ~~((fifty))~~ one hundred thousand dollars or less((-)); and

326 2. The executive, acting with the advice of the civil division and the ~~((RM))~~ risk  
327 manager, may authorize settlements of more than ~~((fifty))~~ one hundred thousand dollars.

328 SECTION 17. K.C.C. 4.12.090 is hereby recodified as a new section in the new  
329 chapter established in section 1 of this ordinance.

330 SECTION 18. Ordinance 3581, Section 10, as amended, and K.C.C. 4.12.090 are  
331 each hereby amended to read as follows:

332 A. ~~((PURPOSE.))~~ The purpose of this section is to protect county officers,  
333 employees, ~~((authorized))~~ agents and their marital communities from personal liability  
334 for acts committed by ~~((such))~~ those individuals in good faith and within the scope of  
335 their official county duties.

336 B. ~~((DETERMINATIONS OF SCOPE AND STATUS.))~~ The chief civil deputy  
337 shall determine ~~((any and))~~ all questions relating to scope and status in accordance with  
338 ~~((Section))~~ K.C.C. ~~((4.12.050.B.6))~~ 4.12.050.B.7, as recodified by this ordinance.

339 C. ~~((RESPONSIBILITY FOR DEFENSE. Where))~~ When a county officer,  
340 employee, ~~((authorized))~~ agent or the marital community of ~~((such person))~~ the county  
341 officer, employee or agent is sued in a lawsuit for an act or alleged act falling within the  
342 scope of the officer's, employee's or ~~((authorized))~~ agent's official duties, the prosecuting  
343 attorney shall be responsible for defense of that person or community in accordance with  
344 ~~((the procedures and requirements specified in Sections))~~ K.C.C. 4.12.050, as recodified  
345 by this ordinance, 4.12.060, as recodified by this ordinance, and 4.12.080, as recodified by  
346 this ordinance, and ~~((4.12.090))~~ this section.

347 D. ~~((EXCLUSIONS.))~~ This section ~~((shall))~~ may not apply ~~((where))~~ if a claim  
348 or lawsuit is covered fully by insurance.

349 E. ~~((POSSIBLE CONFLICTS. Where))~~ If a possible conflict exists between the  
350 county and a county official, employee or ~~((authorized))~~ agent, acting in good faith  
351 within the scope of his or her official duties, the prosecuting attorney may at ~~((his or her))~~  
352 the prosecuting attorney's sole discretion, appoint outside counsel as a special deputy  
353 prosecuting attorney to represent ~~((such))~~ the person(s). In ~~((such))~~ those cases, the  
354 county shall be responsible for payment of costs incurred in ~~((such))~~ the defense.

355 F.1. Subject to the other provisions of this chapter, the county shall provide legal  
356 representation and indemnification to protect county officers, employees, agents and their  
357 marital communities from personal liability for alleged violations of civil or criminal law  
358 resulting from or based upon alleged acts or omissions of the officers, employees or



359 agents. To have the benefit of the legal representation and indemnification, the county  
360 officers, employees or agents must have performed or acted in good faith, with no  
361 reasonable cause to believe the conduct was unlawful and within the scope of the county  
362 officer, employee or agent's service to or employment with the county.

363 2. For the purposes of subsection F.1. of this section, "alleged violations of civil  
364 or criminal law":

365 a. includes but is not limited to, professional licensing matters if a complaint  
366 has been filed regarding an officer, employee or agent's professional license; and

367 b. does not include motor-vehicle-related infractions unless the chief civil  
368 deputy determines that, in a particular instance, a motor vehicle infraction should be  
369 included because it is in the best interests of the county.

370 SECTION 19. K.C.C. 4.12.100 is hereby recodified as a new section in the new  
371 chapter established in section 1 of this ordinance.

372 SECTION 20. Ordinance 3581, Section 11, and K.C.C. 4.12.100 are each hereby  
373 amended to read as follows:

374 A. ~~((ACTIONS FOR RECOVERY.))~~ The ~~((RM))~~ risk manager and the civil  
375 division shall be responsible for bringing all actions, including claims and lawsuits, for  
376 recovery of losses to the county arising out of the acts of others. ~~((Such))~~ The losses may  
377 include property damages or losses ~~((which))~~ that impact on the county as a result of  
378 personal injuries to county officers or employees. In addition, the civil division may join  
379 the county as a party with any third party in a lawsuit involving recovery of loss to the  
380 county.

381 B. ~~((ALLOCATION OF RECOVERIES.))~~ Any moneys recovered,  
382 ~~((excluding costs of recovery((?))),~~ by the ~~((RM))~~ risk manager or civil division on  
383 account of losses to the county shall be paid to the budget unit or department ~~((which))~~  
384 that has expended funds ~~((and/))~~ or materials as a result of the loss. Any moneys  
385 recovered in excess of those so expended shall be transferred to the insurance fund.

386 SECTION 21. Ordinance 11032, Section 27, and K.C.C. 4.13.010 are each  
387 hereby repealed.

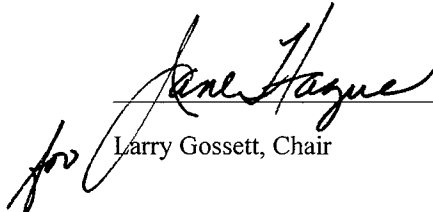
388

389            SECTION 22. Ordinance 11032, Section 27, and K.C.C. 4.13.020 are each  
390 hereby repealed.  
391

Ordinance 17408 was introduced on 6/25/2012 and passed by the Metropolitan King  
County Council on 9/10/2012, by the following vote:

Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Ms. Hague, Ms. Patterson,  
Ms. Lambert, Mr. Ferguson and Mr. Dunn  
No: 0  
Excused: 2 - Mr. Gossett and Mr. McDermott

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
\_\_\_\_\_  
Larry Gossett, Chair

ATTEST:

  
\_\_\_\_\_  
Anne Noris, Clerk of the Council

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CLERK  
KING COUNTY COUNCIL

APPROVED this 21 day of SEPTEMBER, 2012.

  
\_\_\_\_\_  
Dow Constantine, County Executive

Attachments: None