



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 4, 2008**

**FCZD Resolution**

**Proposed No.** FCZD2007-06.1

**Sponsors** Gossett

1                   A RESOLUTION relating to indemnification and defense  
2                   of the board of supervisors of the King County Flood  
3                   Control Zone District from claims against their  
4                   performance of statutorily-required duties for the district.  
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6                   BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING  
7 COUNTY FLOOD CONTROL ZONE DISTRICT:

8                   SECTION 1. Definitions. The definitions in this section apply throughout this  
9 resolution unless the context clearly requires otherwise.

10                   A. "Claim" means a claim or lawsuit.

11                   B. "District" means the King County Flood Control District.

12                   B. "Supervisor" means any person who is serving or has served on the board of  
13 supervisors of the King County Flood Control Zone District.

14                   SECTION 2. Findings:

15                   A. The members of the King County council, by virtue of their office, are  
16 required by RCW 86.15.050(1) to be ex officio members of the board of supervisors of  
17 the district.

18           B. The district desires to avail itself of the rights afforded municipal corporations  
19 under RCW 4.96.041 to protect its supervisors against claims arising out of their  
20 performance, purported performance or failure of performance in good faith of their  
21 duties for the district.

22           SECTION 3. Legal representation. The district shall provide to a supervisor  
23 such legal representation as may be reasonably necessary to defend any claim filed  
24 against the supervisor, arising out of the performance, purported performance or failure  
25 of performance in good faith of duties for the district. This legal representation shall be a  
26 condition of service for the district and shall be provided by the district's legal counsel or  
27 designee, except as may be provided under an insurance policy or self-insurance or joint  
28 insurance program.

29           SECTION 4. Exclusions - determination of representation.

30           This resolution shall not apply to any dishonest, fraudulent, criminal or malicious  
31 act, to any act outside the scope of service, to any lawsuit brought by or on behalf of the  
32 district or to any accident, occurrence or circumstance in which the district or a  
33 supervisor is insured against loss or damages under the terms of an insurance policy or  
34 self-insurance or joint insurance program.

35           The district's legal counsel shall determine whether a supervisor was performing  
36 duties for the district in good faith, and whether a supervisor committed a dishonest,  
37 fraudulent, criminal or malicious act. The supervisor may appeal such determination to  
38 the board of supervisors of the district.

39           SECTION 5. Payment of claims - conditions of representation.

40           A. At the request of a supervisor, the district's legal counsel or designee shall  
41 investigate and defend a claim which is covered by this resolution. If that claim is  
42 deemed by the district's legal counsel or designee to be a proper claim against the  
43 supervisor, the claim shall be paid by the district as long as the following requirements  
44 are met:

45           1. As soon as practicable after receipt of notice of a claim, the supervisor shall  
46 give the district's legal counsel notice of the claim, specifying the names of the supervisor  
47 involved, the date, time, place and circumstances surrounding the incident or conduct  
48 giving rise to the claim, the names and addresses of all persons allegedly injured, the  
49 names and addresses of owners of allegedly damaged property, and the names and  
50 addresses of all witnesses;

51           2. The supervisor shall cooperate with the district's legal counsel or designee  
52 and, upon request, shall assist in making settlements of any lawsuits and in enforcing any  
53 claim for subrogation against any persons or organizations that may be liable to the  
54 district because of any damages or losses arising from the incident or conduct; and

55           3. The supervisor shall attend interviews, depositions, hearings and trials as  
56 requested, and assist in securing and giving evidence and obtaining the attendance of  
57 witnesses.

58           B. If the district's legal counsel determines that a claim against a supervisor is not  
59 covered by this resolution and a court of competent jurisdiction in a final judgment finds  
60 that the claim is covered by this resolution, the district shall pay the claim and reasonable  
61 attorneys' fees.

62            SECTION 6. Refusal to cooperate. If any supervisor fails or refuses to meet the  
63 requirements of section 5 of this resolution or elects to provide his or her own  
64 representation on any claim, this resolution is inapplicable and of no force and effect with  
65 respect to that claim.

66            SECTION 7. Conflict with provisions of insurance policies. Nothing in this  
67 resolution shall be construed to modify or amend any provision of an insurance policy or  
68 any coverage through a self-insurance or joint insurance program. If there is a conflict  
69 between this resolution and the provisions of any such policies or coverage, the  
70 provisions of any such policies or coverage shall control.

71            SECTION 8. Pending claims. This resolution shall apply to any pending claim  
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73 against a supervisor and to any claim hereafter filed irrespective of the date of the events  
74 or circumstances giving rise to the claim.

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FCZD Resolution was introduced on 12/10/2007 and passed by the King County Flood Control Zone District on 12/10/2007, by the following vote:

Yes: 8 - Mr. Ferguson, Mr. Gossett, Ms. Lambert, Mr. Phillips, Ms. Patterson,  
Mr. von Reichbauer, Mr. Constantine and Mr. Dunn

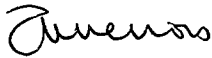
No: 0

Excused: 1 - Ms. Hague

KING COUNTY FLOOD CONTROL ZONE  
DISTRICT  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the District

Attachments      None