

Port of Port Angeles

Port Angeles, Washington

Commissioners' Resolution No. 15-1096

RESOLUTION OF THE PORT OF PORT ANGELES AUTHORIZING THE DEFENSE AND INDEMNITY OF PORT EMPLOYEES AND OFFICERS FOR ACTIONS PERFORMED IN GOOD FAITH AND ON BEHALF OF THE PORT

WHEREAS, the Port of Port Angeles (the "Port"), a Washington municipal corporation, employs and authorizes individuals to carry out the duties and functions of the Port; and

WHEREAS, individuals who are currently or at one time were employed by, or acting on behalf of, the Port may be subject to actions, claims or proceedings arising out of such individuals' performance or failure of performance of their duties for the Port; and

WHEREAS, pursuant to RCW 53.08.208, as amended, it is proper for the Port to defend and indemnify its present and past employees and officers against any action, claim or proceeding arising out of any such employee's or officer's performance or failure of performance of his or her duties for the Port when such employee or officer was acting in good faith and within the scope of his or her employment with or duties for the Port.

NOW, THEREFORE, BE IT RESOLVED that, whenever any action, claim, or proceeding is instituted against any individual who is or was an employee or officer of the Port, arising out of that individual's performance or failure of performance of employment with, or duties for, the Port, and if the Port Commission determines such employee or officer was acting in good faith and within the scope of his or her employment with or duties for the Port, the Port Commission shall grant a request by that individual that the attorney of the Port's choosing be authorized to defend said action, claim or proceeding, and the costs of defense, attorney fees, and any obligation for payment arising from such action, claim or proceeding not otherwise paid by insurance shall be paid from the Port's funds; PROVIDED, however, that the costs of defense and/or judgment or settlement against such individual shall not be paid in any case in which the court finds that such individual was not acting in good faith or within the scope of his or her employment with or duties for the Port, notwithstanding the Port Commission's finding to the contrary; and

BE IT FURTHER RESOLVED THAT this Resolution No. 15-1096 supersedes all prior resolutions authorizing the payment of legal defense costs for the Port's employees or officers for actions performed in good faith and on behalf of the Port, and any such prior resolution is hereby rescinded.

ADOPTED by the Board of Commissioners of the Port of Port Angeles at a regular meeting thereof held this 13th day of January, 2015.

PORT OF PORT ANGELES
BOARD OF COMMISSIONERS


James D. Hallett, President


John M. Calhoun, Vice President


Colleen M. McAleer, Secretary