

October 13, 1987.

INTRODUCED BY: RON SIMS

PROPOSED NO. 87-727

ORDINANCE NO. 8428

AN ORDINANCE relating to the King County Risk Management Program; amending Ordinance 3581, Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and K.C.C. 4.12.020 through 4.12.090, and 4.08.050.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 3581, Section 2 and K.C.C. 4.12.020 are hereby amended as follows:

Definitions. As used in this ordinance, the following words and terms shall have the meanings set forth herein:

A. (~~"CAO"~~-shall-mean-the-county-administrative-officer, department-of-executive-administration, or-his-designee,))

~~((B))~~ "Chief civil deputy" shall mean the chief deputy of the civil division, office of the King County prosecutor, or his designee;

~~((C))~~ B. "Civil division" shall mean the civil division of the office of the King County prosecutor.

C. "Claims" shall mean any claim naming the county, and/or its officers, employees or authorized agents while acting in good faith within the scope of their official duties, as a cause or causes of injury or damage and which alleges a tort cause of action and asks for money damages.

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

E. "Committee" shall mean the risk management committee established by Section 4.12.040;

1 F. "Council" shall mean the King County council, as defined  
2 by Article 2 of the King County Charter;

3 G. "Executive" shall mean the King County executive, as  
4 defined by Article 3 of the King County Charter, or his designee;

5 H. "Risk Management" means a coordinated and continuous  
6 management process to identify potential loss exposures, to apply  
7 reasonable and effective risk controls and to insure that the  
8 financial integrity of King County is not impaired after a loss.

9 I. "RM" shall mean the risk manager, or his designee;

10 J. "Safety manager" shall mean the manager of the office of  
11 safety and ((~~workmen's~~)) workers compensation ((~~administration~~))  
12 program.

13 SECTION 2. Ordinance 3581, Section 3 and K.C.C. 4.08.050 are  
14 hereby amended as follows:

15 Insurance Fund.

16 A. CREATION. There is hereby created an intragovernmental  
17 service fund to be known as the insurance fund.

18 B. PERMISSIBLE USES. Permissible uses of the insurance fund  
19 shall be limited to the following:

- 20 1. Payment of claims and related costs;
- 21 2. Payment of negotiated settlements and related costs;
- 22 3. Payment of judgments and related costs;
- 23 4. Payment of costs incurred in ((~~of~~)) litigation or in  
24 anticipation thereof, including but not limited to attorney's fees  
25 and the costs of discovery and witnesses;
- 26 5. Payment of insurance premiums and related costs;i
- 27 6. Payment of program administration costs.

1 C. REVIEW. The operation of the insurance fund shall be  
 2 reported and reviewed (~~quarterly~~) semi-annually on or about  
 3 March 31st and August 31st with the appropriate committee of the  
 4 council. The report shall include the amounts of all expenditures  
 5 made from the insurance fund; settlements by insurance carriers in  
 6 behalf of the county; and all moneys recovered by the risk manager  
 7 or civil division for recovery of losses. Expenditures for  
 8 claims, negotiated settlements, insurance settlements, judgments,  
 9 litigation, and their related costs and costs of recovery,  
 10 unrecovered losses, and recovered moneys shall be individually  
 11 identified.

12 SECTION 3. Ordinance 3581, Section 4 and K.C.C. 4.12.030 are  
 13 hereby amended as follows:

14 Office of Risk Management; Duties of RM.

15 A. CREATION. There is hereby created an office of risk  
 16 management within the office of finance. The supervisor of the  
 17 office of risk management shall be the RM, who shall report  
 18 directly to the finance director.

19 B. GENERAL DUTIES OF RM.

20 1. The RM shall be responsible for administration of the  
 21 risk management program.

22 2. The RM shall coordinate with (~~and-advise~~) the civil  
 23 division on contractual matters giving rise to (~~possible~~)  
 24 potential liability on the part of the county. (~~Specifically,~~  
 25 ~~the~~) The RM shall (~~advise-and-recommend-to-the~~) seek the advice  
 26 of the civil division (~~and-King-County-departments~~) as to  
 27 appropriate (~~contractual-clauses-providing-for-indemnity~~)  
 28 language regarding insurance, indemnification, releases (~~7~~) and  
 29 hold harmless (~~7and-insurance~~) clauses. (~~The-RM-shall~~  
 30 ~~insure-that-contractual-provisions-relating-to-indemnity-and~~  
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1 ~~hold-harmless-requirements-are-reviewed-as-part-of-a-coordinated~~  
2 ~~process-prior-to-finalization-of-said-contracts.)~~ Thereafter,  
3 the RM shall advise the director of executive administration and  
4 other appropriate department heads and division managers  
5 concerning these matters as part of a coordinated process prior to  
6 finalization of county contracts.

7 ((2-)) 3. The RM shall be the ((chairman)) chairperson of  
8 of the committee and ((7-at-the-request-of-the-committee,)) shall  
9 advise the committee concerning insurance ((and-self-insurance

10 ~~proposals-and-risk-management-needs-and-costs))~~, risk management  
11 policies, broker selection and other appropriate matters.

12 (((3-))) 4. With the approval of the committee, ((The))  
13 the RM ((may-negotiate-with-insurance-brokers-for-any-type-of  
14 insurance-and-may-recommend-that-the-committee-engage-the  
15 services-of-such-brokers)) shall select appropriate insurance  
16 brokers by use of a competitive bidding process for the marketing  
17 of insurance and related services.

18 ((4-)) 5. The RM shall be responsible for the purchasing  
19 and administration of all such insurance policies, funded  
20 self-insurance programs, and related services as are consistent  
21 with good risk management policy and the needs of the county. In  
22 purchasing ((risk-management)) insurance policies, the RM shall  
23 obtain the ((advice)) approval of the committee ((and-the

24 ~~approval-of-the-EAO~~)).

25 ((5-)) 6. The RM shall advise all county departments,  
26 divisions, and other county agencies regarding risk management and  
27 reduction of risk and exposure to loss, including programs and  
28 precautions for safety to reduce hazards to the public that may  
29 exist in county facilities and operations. The RM shall cooperate

1 with the safety manager in areas where, in the opinion of the RM,  
 2 the safety of employees and safety of the public requires  
 3 coordinated programs. The RM shall also be responsible for  
 4 answering all insurance or funded self-insurance coverage  
 5 questions. Further, the RM shall be responsible for the  
 6 evaluation of current and future county/departmental insurance  
 7 coverage programs and have the authority to make recommendations  
 8 where such action is in the best interests of the county.

9 ~~((6-))~~ 7. The RM shall have the power, subject to budget  
 10 authorizations, to contract for such outside assistance and  
 11 perform such other acts as are necessary to carry out his  
 12 responsibilities in an expeditious manner

13 ~~((7-))~~ 8. The RM shall have the responsibility to  
 14 ~~((design-insurance-programs, recommend-the-amount-of-reserves~~  
 15 ~~to-be-established, determine-and-recommend-the-appropriate~~  
 16 ~~retention-levels))~~ establish reserve requirements for all  
 17 claims and lawsuits and recommend financing plans and budget  
 18 actions to assure that adequate resources are available to meet  
 19 risk management financing requirements.

20 ~~((8-))~~ 9. The RM shall have responsibility for risk  
 21 identification, control and reduction; including authority to make  
 22 recommendations to all county departments, divisions and agencies  
 23 regarding safety of the public using county facilities or  
 24 services. ~~((The-RM-shall-seek-the-advice-of-the-safety-manager~~  
 25 ~~and-cooperate-and-share-information-with-the-employee-safety~~  
 26 ~~program-but-shall-not-have-responsibility-for-employee-safety-))~~

27 ~~((B-))~~ C. DUTIES OF RM RELATING TO CLAIMS.

28 1. The RM shall have the power to employ the services of  
 29 such claims specialists or other parties as are necessary to  
 30 process claims in an equitable and expeditious manner.  
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1           2. The RM shall cooperate with the civil division in  
2 coordinating information pertinent to claims and ((claims))  
3 lawsuits against the county.

4           3. For ~~((motor-vehicle-property-damage-claims-of-five  
5 thousand-dollars-or-less,-and-for-all-other-claims-of-two  
6 thousand-dollars-or-less))~~ all claims of fifty thousand dollars  
7 or less, the RM shall make final disposition; Provided that,  
8 for all claims over two-thousand five-hundred dollars the RM shall  
9 seek the advice of the civil division prior to final disposition.

10           4. ~~((For-motor-vehicle-property-damage-claims-of-greater  
11 than-five-thousand-dollars,-and-for-all-other-claims-of-greater  
12 than-two-thousand-dollars,-the-RM-shall-have-the-authority-to-deny  
13 the-claim.--If-the-RM-determines-that-such-a-claim-should-be-paid,  
14 then-he-shall-recommend-payment-of-the-claim-to-the-committee.~~

15           5. ~~The-RM-shall-review-all-claims-over-one-hundred  
16 fifty-dollars-with-the-civil-division-and-shall-consider-the  
17 advice-of-the-civil-division-when-taking-action-on-a-claim.~~

18           6.) The RM shall maintain complete histories of all claims  
19 and claims litigation, insured or funded self-insurance, loss  
20 histories, and investigations of claims ~~((and-incident-reports))~~.  
21 The RM shall be responsible to insure that complete files are  
22 maintained of all claims ~~((entered))~~ asserted against the county  
23 and all incidents reported to the office of risk management  
24 sufficient to document at least a five year claims history.

25           ~~((E.))~~ D. REPORTS. The RM on or before ~~((January 20th))~~  
26 March 31st of the subsequent year shall report to the council the  
27 total number and amount of all claims filed against the county and  
28 the number and amounts of all claims paid by the county during the  
29 preceding calendar year, including totals of information required  
30 in the ~~((quarterly))~~ semi-annual report of the insurance fund.

1 The RM shall make an annual report to the committee and the  
 2 council regarding insurance coverage and the level of retained  
 3 risk (~~((and-monthly-report-to-the-committee-on-the-status-of-all  
 4 claims-and-the-level-of-reserves))~~).

5 SECTION 4. Ordinance 3581, Section 5 and K.C.C. 4.12.040 are  
 6 hereby amended as follows:

7 Risk Management Committee.

8 A. CREATION AND COMPOSITION. There is created a risk  
 9 management committee to be composed of the following individuals,  
 10 or their designee: RM, safety manager, chief civil deputy, and  
 11 (~~((manager-of-the-budget-division))~~) budget director. The RM shall  
 12 chair the committee. The safety manager shall be a nonvoting  
 13 member of the committee and shall serve to inform and advise the  
 14 committee on safety matters and coordinate employee safety  
 15 programs with risk identification and control functions of the  
 16 committee.

17 B. DUTIES OF COMMITTEE. The risk management committee shall:

18 1. (~~((The-committee-shall))~~) Make recommendations to the  
 19 council and executive regarding risk management policy and shall  
 20 cause such policy to be established and kept current ((~~(τ)~~));

21 2. (~~((The-committee-shall))~~) Have the power to approve the  
 22 selection of ((appoint)) all insurance brokers submitted to it, as  
 23 a result of a competitive bidding process((τ));

24 3. (~~((The-committee-shall))~~) Render advice to the RM on  
 25 matters concerning the purchase of insurance policies and advise  
 26 on the design of insurance and funded self-insurance  
 27 programs((τ));

28 4. (~~((The-committee-shall-review-any-recommendations-of-the  
 29 RM-for-payment-of-claims-greater-than-two-thousand-dollars-(five  
 30 thousand-dollars-for-motor-vehicle-damage-claims))~~), and shall

1 recommend-disposition-of-such-claims-to-the-final-payment  
 2 authority, as designated by Section 8 of this ordinance.) Advise  
 3 the RM concerning matters of risk management policy; and

4 5. ((The-committee-shall-meet-on-a-regular-basis-at  
 5 least-once-a-month.--Special-meetings-may-be-called-by-the  
 6 chairman-and-may-be-requested-by-any-member-of-the-committee.))

7 Approve the purchase of all insurance policies.

8 ((6. The-committee-shall-submit-an-annual-report-to-the  
 9 council-summarizing-decisions-made-by-the-committee-during-the  
 10 year-and-other-pertinent-matters.

11 7. The-committee-shall-review-risk-identification,  
 12 prevention, and control concerns to advise the RM in matters  
 13 related to the safety of the public in county facilities and  
 14 operations.--The RM and safety manager should, as members of the  
 15 committee, coordinate safety programs and share information  
 16 related to risk in each of their respective areas of concern.))

17 SECTION 5. Ordinance 3581, Section 6 and K.C.C. 4.12.050 are  
 18 hereby amended as follows:

19 Role of Prosecuting Attorney.

20 A. LEGAL ADVISOR OF COUNTY. This section is consistent with  
 21 and implements in part state law, RCW 36.27.020, which makes the  
 22 prosecuting attorney the legal advisor of the county.

23 B. DUTIES.

24 1. The prosecuting attorney, in accordance with state law,  
 25 RCW 36.27.020, shall be primarily responsible for the defense of  
 26 all ((claims)) lawsuits against the county, or against county  
 27 officials ((or)), employees or authorized agents acting in good  
 28 faith within the scope of their official county duties, except  
 29 where insurance or service contracts provide for defense. The  
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1 prosecuting attorney may contract with outside counsel for legal  
2 services where appropriate (~~(7-such-as-in-the-defense-of-complex~~  
3 ~~claims-lawsuits)~~)).

4 2. The civil division shall provide legal advice to the RM  
5 regarding the disposition of all claims against the county.

6 3. The civil division shall keep the RM advised of the  
7 current status and progress of all claims litigation.

8 4. The civil division shall direct any recommendations for  
9 settlement of claims or lawsuits to the authority designated by  
10 Sections 4.12.030 and 4.12.080 as having final settlement  
11 authority. In recommending settlement of claims or lawsuits, the  
12 civil division shall consult, in conjunction with the risk  
13 management office, with the department, division or other county  
14 agency most involved with the litigation and/or named as a party  
15 to the lawsuit.

16 5. In reviewing contract (~~(clauses)~~) language involving  
17 (~~(indemnity)~~) indemnification, releases, hold harmless clauses or  
18 insurance matters, the civil division shall (~~(seek-the)~~) provide  
19 advice (~~(of)~~) to the RM.

20 6. The chief civil deputy of the civil division shall  
21 resolve any and all questions relating to the following issues:

22 a. Whether a county official(~~(or)~~), employee or  
23 authorized agent acted in good faith within the scope of his or  
24 her official county duties; and

25 b. Whether, for purposes of the issues raised by a  
26 particular (~~(claims)~~) claim or lawsuit, a person is in fact a  
27 county official(~~(or)~~), employee or authorized agent.

28 SECTION 6. Ordinance 3581, Section 7 and K.C.C. 4.12.060 are  
29 hereby amended as follows:  
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1 Duties of County ((~~agencies~~)) officers, employees and  
2 authorized agents.

3 A. COOPERATION. All county departments, divisions ((~~and~~  
4 ~~other-county~~)) or agencies and the officers, employees and  
5 authorized agents thereof are hereby directed to cooperate fully  
6 and in good faith with the RM and civil division in ((~~all-matters~~  
7 ~~including~~)) the investigation ((~~involving-disposition~~)) and  
8 defense of claims and ((~~the-settlement-and-defense-of-claims~~))  
9 lawsuits. ((~~All-departments,-divisions-and-other-county-agencies~~  
10 ~~are-hereby-directed-to-provide-such-information-as-requested-and~~  
11 ~~to-otherwise-assist-the-RM-and-civil-division-in-the-defense-of~~  
12 ~~claims-lawsuits-~~)) When deemed necessary by the chief civil  
13 deputy or deputy prosecutor assigned to the case, such assistance  
14 may include, but not be limited to, the providing of testimony and  
15 exhibits for use in litigation. Any request for information by  
16 the office of risk management shall be considered a request by the  
17 civil division.

18 B. FORBIDDEN ACTS. Except as specifically directed by the RM  
19 or civil division, no county department, division or other county  
20 agency, and no county official ((~~or~~)), employee, or authorized  
21 agent acting individually or collectively, may engage in the  
22 following acts:

23 1. Negotiate or otherwise affect the settlement of a claim  
24 or ((~~claims~~)) lawsuit against the county;

25 2. Make an admission of liability involving a claim or  
26 ((~~claims~~)) lawsuit against the county.

27 3. Discuss with persons who are not county employees  
28 incidents which could reasonably lead to claims or ((~~claims~~))  
29 lawsuits against the county; or

1 4. (~~The CAO through the RM shall cause to be prepared~~  
2 ~~such information as is necessary and the implementation of such~~  
3 ~~methods of dissemination, as are required, to inform county~~  
4 ~~employees of their responsibilities in relation to good risk~~  
5 ~~management policy)) Discuss with persons who are not county  
6 employees incidents which are the subject of pending claims  
7 or lawsuits.~~

8 C. REPORTING ACCIDENTS AND INCIDENTS. (~~County departments,~~  
9 ~~divisions and other county agencies shall report immediately to~~  
10 ~~the RM the circumstances of any accident involving county vehicles~~  
11 ~~or other county property)) In the event of an accident, incident  
12 or occurrence causing bodily injury or property damage involving  
13 county vehicles, property or personnel acting within the scope of  
14 their employment, the knowledgeable county officers, agents,  
15 employees and authorized agents shall provide notice to the office  
16 of risk management as soon as practicable. Such notice shall  
17 include all reasonably obtainable information with respect to the  
18 time, place and circumstances of said accident, incident or  
19 occurrence and the names and addresses of all knowledgeable county  
20 personnel, injured or affected parties, and available witnesses.~~

21 SECTION 7. Ordinance 3581, Section 8 and K.C.C. 4.12.070 are  
22 hereby amended as follows:

23 Procedure for Handling Claims.

24 A. PLACE FOR FILING; CONTENT. (~~The place for filing claims~~  
25 ~~against the county shall be the office of the clerk of the council~~  
26 ~~in accordance with the state law, REW-36.45)) All claims against  
27 the county for damages arising out of tortious conduct shall be  
28 presented to and filed with the clerk of the council. All such  
29 claims shall be verified and shall accurately describe the conduct  
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1 and circumstances which brought about the injury or damage,  
2 describe the injury or damage, state the time and place the injury  
3 or damage occurred, state the names of all persons involved, if  
4 known, and shall contain the amount of damages claimed, together  
5 with a statement of the actual residence of the claimant at the  
6 time of presenting and filing the claim and for a period of six  
7 months immediately prior to the time the claim arose. If the  
8 claimant is incapacitated from verifying, presenting, and filing  
9 his claim or if the claimant is a minor, or is a nonresident of  
10 the state, the claim may be verified, presented, and filed on  
11 behalf of the claimant by any relative, attorney, or agent  
12 representing him. With respect to the content of such claims this  
13 section shall be liberally construed so that substantial  
14 compliance will be deemed satisfactory.

15 B. PERIOD AND REQUISITES. (~~All-claims-against-the-county~~  
16 ~~shall-be-filed-within-the-period-specified-by-state-law, RW~~  
17 ~~36-45-0107, -from-the-time-damage-occurred-or-injury-was-sustained.~~  
18 ~~The-requisites-of-the-claim-shall-comply-with-state-law, RW~~  
19 ~~36-45-020)) No action shall be commenced against the county for  
20 damages arising out of tortious conduct until a claim has first  
21 been presented to and filed with the clerk of the council. The  
22 requirements of this section shall not affect the applicable  
23 period of limitations within which an action must be commenced,  
24 but such period shall begin and shall continue to run as if no  
25 claim were required.~~

26 C. TRANSMITTAL. The clerk of the council shall initiate the  
27 processing of claim by immediately transmitting the original of  
28 the claim to the RM (~~within-three-days-of-filing~~). The clerk of  
29 the council shall (~~within~~) at the same time (~~period~~) send a  
30 copy of the letter of transmittal to the civil division.  
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1 D. DISPOSITION.

2 1. For (~~motor-vehicle-property-damage-claims-of-five~~  
 3 ~~thousand-dollars-or-less, and-for-all-other-claims-of-two~~  
 4 ~~thousand-dollars-or-less~~) all claims of fifty thousand  
 5 dollars or less, the RM shall be the final payment authority and  
 6 shall make final disposition by either granting or denying such  
 7 claim; Provided that, for all claims over two-thousand  
 8 five-hundred dollars, the RM shall seek the advice of the civil  
 9 division prior to final disposition.

10 2. (~~For-motor-vehicle-property-damage-claims-of-greater~~  
 11 ~~than-five-thousand-dollars, and-for-all-other-claims-of-greater~~  
 12 ~~than-two-thousand-dollars, the-RM-shall-either-deny-the-claim-or~~  
 13 ~~recommend-payment-of-the-claim-to-the-committee.--If-the~~  
 14 ~~committee-recommends-payment-of-the-claim, the-executive~~  
 15 ~~shall-recommend-payment-to-the-council.--Payment-shall-not~~  
 16 ~~be-made-on-individual-claims-unless-approved-by-the-council;~~  
 17 ~~Provided, that-if-the-council, upon-receipt-of-the-executive's~~  
 18 ~~recommendation, fails-to-commence-consideration-thereof~~  
 19 ~~within-fifteen-working-days, the-recommendation-shall-be-deemed-to~~  
 20 ~~have-been-approved-by-the-council.)) For all claims above fifty  
 21 thousand dollars, the county executive shall make final  
 22 disposition after receiving advice from the civil division and the  
 23 RM.~~

24 SECTION 8. Ordinance 3581, Section 9, and K.C.C.

25 4.12.080 are hereby amended as follows:

26 Procedure for handling lawsuits.

27 A. SERVICE OF PROCESS. Service of (~~process~~) a summons and  
 28 complaint on the clerk of the council shall constitute service on  
 29 the county for purpose of state law, RCW 4.28.080.  
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1 B. SERVICE ON OFFICER OR EMPLOYEE. Any county official or  
2 employee who is served with a summons and/or complaint in a  
3 ~~((claims))~~ lawsuit against the county or against any of its  
4 officials ~~((or))~~, employees or authorized agents alleged to be  
5 acting in their official capacities shall immediately deliver  
6 ~~((such-process))~~ the summons and/or complaint to the clerk of the  
7 council.

8 C. DISTRIBUTION. The clerk of the council, upon accepting  
9 service of the summons and/or complaint shall ~~((within-one-day))~~  
10 immediately deliver copies ~~((of-such-process))~~ thereof to the  
11 civil division. The civil division shall docket the lawsuit and  
12 send a copy of the ~~((process))~~ summons and/or complaint to the  
13 office of risk management ~~((for-comments))~~.

14 D. DEFENSE. The prosecuting attorney shall defend, or  
15 provide for the defense, of all self-insured ~~((claims))~~ lawsuits  
16 against the county or any of its officials~~((or))~~, employees or  
17 authorized agents acting in good faith within the scope of their  
18 official duties; Provided that, such individuals discharge their  
19 obligations as set forth in Section 4.12.060.

20 E. SETTLEMENT. Final authority for settlement of  
21 self-insured lawsuits shall be as follows:

22 1. The RM, acting with the advice of the civil division,  
23 may authorize settlements of ~~((five-thousand-dollars))~~ fifty  
24 thousand dollars or less ~~((for-motor-vehicle-property~~  
25 ~~damage, and two-thousand-dollars-or-less-for-all-other-damages;))~~.

26 2. ~~((The-CAO, acting with the advice of the civil~~  
27 ~~division, may authorize settlements of greater than five-thousand~~  
28 ~~dollars but less than fifty-thousand-dollars-for-motor-vehicle~~  
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1 ~~property-damage, and greater than two thousand dollars but less~~  
 2 ~~than fifty thousand dollars for all other damages;)~~

3 ~~((3.))~~ The executive, acting with the advice of the civil  
 4 division and the RM, may authorize settlements of more than  
 5 fifty thousand dollars ~~((or greater))~~.

6 SECTION 9. Ordinance 3581, Section 10 and K.C.C. 4.12.090 are  
 7 hereby amended as follows:

8 Defense of county officers ~~((and))~~, employees and authorized  
 9 agents.

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

15 B. DETERMINATIONS OF SCOPE AND STATUS. The ~~((civil~~  
 16 ~~division))~~ chief civil deputy shall determine any and all  
 17 questions relating to ~~((the following issues:~~

18 ~~(1) Whether acts performed by a county officer or employee~~  
 19 ~~were within the scope of that person's official county duties; and~~

20 ~~2. Whether, for purposes of the issues raised by a claim~~  
 21 ~~lawsuit, a particular person is in fact a county official or~~  
 22 ~~employee~~ scope and status in accordance with Section 4.12.050B.6.

23 C. RESPONSIBILITY FOR DEFENSE. Where a county officer,  
 24 employee, authorized agent or the marital community of such  
 25 ~~((officer or employee))~~ person is sued in a ~~((claims))~~ lawsuit for  
 26 an act or alleged act falling within the scope of the  
 27 officer's ~~((or))~~, employee's or authorized agent's official duties,  
 28 the prosecuting attorney shall be responsible for defense of that  
 29 person or community in accordance with the procedures and

1 requirements specified in Sections 4.12.050, 4.12.060, 4.4.12.080,  
2 and 4.12.090.

3 D. EXCLUSIONS. This section shall not apply where a  
4 ~~((claims))~~ claim or lawsuit is covered fully by insurance  
5 ~~((or-where-a-claims-lawsuit-arises-out-of-a-county-officer's-or~~  
6 ~~employee's-use-of-his-personal-vehicle))~~.

7 E. POSSIBLE CONFLICTS. Where a possible conflict exists  
8 between the county and a county official ~~((or))~~, employee or  
9 authorized agent, acting in good faith within the scope of his or  
10 her official ~~((county))~~ duties, ~~((and-where-both-are-named-as~~  
11 ~~parties-in-the-same-claims-lawsuit))~~, the prosecuting attorney may  
12 ~~((decline-to-represent-that-person-and-his-marital-community))~~ at  
13 his or her sole discretion, appoint outside counsel as a special  
14 deputy prosecuting attorney to represent such persons. In such  
15 cases ~~((where-the-prosecuting-attorney-declines-representation))~~,  
16 the county shall be responsible for payment of ~~((reasonable~~  
17 ~~attorney's-fees-and))~~ costs incurred in ~~((the))~~ such defense ~~((of~~  
18 ~~the-county-official-or-employee))~~.

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1            NEW SECTION SECTION 10. Severability. Should any section,  
2 subsection, paragraph, sentence, clause or phrase of this  
3 ordinance be declared unconstitutional or invalid for any reason,  
4 such decision shall not affect the validity of the remaining  
5 portions of this ordinance.

6            INTRODUCED AND READ for the first time this 21<sup>st</sup> day of  
7 December, 1987.

8            PASSED this 29<sup>th</sup> day of February, 1988.

9            KING COUNTY COUNCIL  
10            KING COUNTY, WASHINGTON

11            Gary Grant  
12            Chairman

13            ATTEST:

14            Dorothy M. Owens  
15            Clerk of the Council

16            APPROVED 9<sup>th</sup> day of March, 1988.

17            Jim Hill  
18            King County Executive