

# Indemnification and Defense Policy for Officials, Employees and Volunteers

## Jeffcom 911 Communications

Adopted November 21, 2024, by Resolution 2024-0004

Original policy. Supplants certain language regarding indemnification in employment agreements existent before adoption.

### Intent

The intent of this policy is to provide a framework for indemnifying and defending officials, employees, officers and volunteers of Jeffcom 911 Communications in civil actions arising from acts or omissions performed in good faith within the scope of their official duties.

### Background

RCW 4.96.041 authorizes local governmental entities, by resolution, to indemnify and provide a defense for employees, officers, and volunteers in civil actions arising from acts or omissions performed within their official duties. RCW 4.24.470 further provides immunity to certain appointed or elected officials of public agencies for discretionary decisions made within their official capacity. This policy establishes guidelines for these protections.

### Section 1: Definitions

For the purposes of this Policy:

1. **Employee:** Any past or present employee, officer or volunteer of Jeffcom.
2. **Jeffcom:** Refers to Jefferson County 911, doing business as Jeffcom 911 Communications, a non-state public agency within the scope of RCW 4.24.470.
3. **Administrative Board:** The governing body of Jefferson County 911.
4. **Official:** Includes any appointed or elected official or member of the Administrative Board of Jeffcom as defined under RCW 4.24.470

### Section 2: Authorization of Defense and Indemnification

1. **Request for Defense:** Whenever an employee, officer, official or volunteer of Jeffcom is named in a civil action arising from acts or omissions conducted in good faith within the scope of their official duties, they may request that Jeffcom provide legal defense for the action.
2. **Resolution Requirement for Defense Authorization:** The Administrative Board of Jeffcom shall review the request for defense and, if it determines that the acts or omissions were within the scope of the individual's official duties, shall authorize the defense through a formal resolution. No defense shall be provided without the adoption of such a resolution.

### **Section 3: Indemnification of Judgments**

1. **Nonpunitive Damages:** If a court finds that an employee, officer, or volunteer was acting within the scope of official duties, Jeffcom shall pay any monetary judgment for nonpunitive damages entered against the individual, pursuant to RCW 4.96.041(4). Any such judgment shall not create a lien upon the personal property of the employee, officer or volunteer.
2. **Punitive Damages:** The Administrative Board of Jeffcom may, by resolution, authorize payment for punitive damages if deemed appropriate under the specific circumstances.

### **Section 4: Immunity and Limitation of Liability under RCW 4.24.470**

1. **Discretionary Acts Immunity for Appointed or Elected Officials:** In accordance with RCW 4.24.470, appointed or elected officials, or members of the Administrative Board, shall be immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within their official capacity. This immunity applies solely to discretionary acts and decisions made within the scope of their official duties.
2. **Liability of Agency for Tortious Conduct:** While appointed or elected officials are granted immunity for discretionary acts, liability for tortious conduct shall remain with Jeffcom as the public agency responsible.

### **Section 5: Good Faith Requirements**

Indemnification under this Policy applies only to acts or omissions conducted in good faith within the individual's official capacity. The Administrative Board may deny indemnification for actions outside this scope.

### **Section 6: Severability**

If any provision of this Policy or its application is found invalid, the remainder of the Policy or its application to other situations shall not be affected.

### **Section 7: Effective Date**

This Policy shall take effect immediately upon its adoption.

### **Section 8: No Vested Right**

Nothing herein shall be construed to create a vested right to indemnification or defense as provided for herein.