

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.

Jefferson County 911 Administrative Board

RESOLUTION 2024-0004

ADOPTING INDEMNITY POLICY

WHEREAS, Jefferson County 911 DBA Jeffcom 911 Communications (hereinafter “Jeffcom”) is an independent agency formed by an interlocal agreement among Jefferson County and other agencies and delegated by the parties to the interlocal agreement municipal powers related to the operations of a 911 communications facility; and

WHEREAS, the Jeffcom Administrative Board acting through the Director has been duly authorized and empowered by the parties to the agency’s formative interlocal agreement to set policy;

WHEREAS, it is in the best interests of Jeffcom and its agencies that Jeffcom formally indemnify and defend its officials, employees and volunteers for their official acts; and

WHEREAS, it is in the best interests of Jeffcom and its agencies that Jeffcom adopt policy providing a framework and guidelines for the provision of indemnity and defense;

NOW, THEREFORE, BE IT RESOLVED BY THE ADMINISTRATIVE BOARD OF JEFFERSON COUNTY 911 THAT Jeffcom does hereby adopt the attached Indemnification and Defense Policy for Officials, Employees and Volunteers.

PASSED AND APPROVED THIS 21st DAY OF November, 2024.

By: Audy Penstiner
Chair of the Board

Steve Craig
Member

[Signature]
Member

Tim McKern
Member

Greg Brotterton
Member

Attest: [Signature]
Clerk of the Jeffcom Administrative Board