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**RESOLUTION NO. 1237**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, AUTHORIZING DEFENSE AND INDEMNITY PURSUANT TO CHAPTER 2.06 ECC SUBJECT TO RESERVATION OF RIGHTS, OF TWO CITY COUNCILMEMBERS FROM THE COST OF LEGAL DEFENSE INCURRED IN RESPONSE TO A WORKPLACE INVESTIGATION.

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WHEREAS, Chapter 2.06 of the Edmonds City Code provides for the payment of the costs of defense and indemnity subject to the limitations contained therein, and,

WHEREAS, an investigation into a workplace complaint will require the participation of the Councilmembers, and

WHEREAS, the City Attorney will represent the City in its corporate capacity but cannot represent the individual Councilmembers due to potential conflict of interest, now, therefore,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Subject to the limitations contained in Chapter 2.06 of the Edmonds City Code and the reservation of rights letters, attached hereto as Exhibits A and B, the Edmonds City Council hereby authorizes the defense and indemnification for legal costs as limited by Chapter 2.06 of the Edmonds City Code of Councilmembers Michael Plunkett and Diane Buckshnis. Such defense is limited to the extent provided for in Chapter 2.06 ECC. In the event that it is later determined that, in the sole discretion of the Edmonds City Council, that the actions of the Councilmembers were outside the scope of their duties as elected officials and

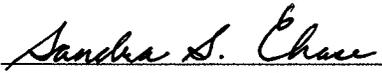
Councilmembers, or any provision or limitation of Chapter 2.06 ECC is triggered, the City Council reserves the right to act as provided in Chapter 2.06.

RESOLVED this 16th day of November, 2010.

APPROVED:

  
\_\_\_\_\_  
MAYOR MIKE COOPER

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, SANDRA S. CHASE

FILED WITH THE CITY CLERK: 11-16-2010  
PASSED BY THE CITY COUNCIL: 11-16-2010  
RESOLUTION NO. 1237



# CITY OF EDMONDS

121 5TH AVENUE NORTH • EDMONDS, WA 98020 • (425) 775-2525  
www.ci.edmonds.wa.us

CITY CLERK

MIKE COOPER  
MAYOR

November 10, 2010

Diane Buckshnis, City Councilmember  
City of Edmonds  
121 – 5<sup>th</sup> Ave. North  
Edmonds, WA 98020

RE: Reservation of Rights - Response to Complaint

Dear Ms. Buckshnis:

The City Council has authorized indemnification of the reasonable costs of legal representation which you may incur in the course of a workplace investigation subject to the following reservation of rights. In the event that the City Council, in good faith and in its sole discretion, shall determine that the requested representation is based on:

1. Any dishonest, fraudulent, criminal, willful, intentional or malicious act, and any dishonest, fraudulent, criminal, willful, intentional or malicious course of conduct by you as a Councilmember;
2. Any act or course of conduct by you as Councilmember which was not performed on behalf of the City;
3. Any act or course of conduct which was outside the scope of your service as Councilmember of the City; and/or
4. Any lawsuit which may be brought against you as Councilmember by or on behalf of the City,

the City Council may act as provided in Chapter 2.06 ECC.

The City Council has authorized your defense pursuant to a reservation of rights as authorized by Chapter 2.06 ECC. This representation is also conditioned upon your compliance with the terms of Chapter 2.06 ECC relating to your participation in the claims and defense process.

Very truly yours,

CITY OF EDMONDS



Mike Cooper, Mayor



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www.ci.edmonds.wa.us

CITY CLERK

MIKE COOPER  
MAYOR

November 10, 2010

Michael Plunkett, City Councilmember  
City of Edmonds  
121 - 5<sup>th</sup> Ave. North  
Edmonds, WA 98020

RE: Reservation of Rights - Response to Complaint

Dear Mr. Plunkett:

The City Council has authorized indemnification of the reasonable costs of legal representation which you may incur in the course of a workplace investigation subject to the following reservation of rights. In the event that the City Council, in good faith and in its sole discretion, shall determine that the requested representation is based on:

1. Any dishonest, fraudulent, criminal, willful, intentional or malicious act, and any dishonest, fraudulent, criminal, willful, intentional or malicious course of conduct by you as a Councilmember;
2. Any act or course of conduct by you as Councilmember which was not performed on behalf of the City;
3. Any act or course of conduct which was outside the scope of your service as Councilmember of the City; and/or
4. Any lawsuit which may be brought against you as Councilmember by or on behalf of the City,

the City Council may act as provided in Chapter 2.06 ECC.

The City Council has authorized your defense pursuant to a reservation of rights as authorized by Chapter 2.06 ECC. This representation is also conditioned upon your compliance with the terms of Chapter 2.06 ECC relating to your participation in the claims and defense process.

Very truly yours,

CITY OF EDMONDS

Mike Cooper, Mayor

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