

FRANKLIN COUNTY

ORDINANCE NO. 05-2025

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**

**IN THE MATTER OF AMENDING INDEMNIFICATION PROCEDURES AND
CENTRALIZING DETERMINATION AUTHORITY WITH THE BOARD OF COUNTY
COMMISSIONERS**

WHEREAS, Franklin County previously adopted Ordinance No. 2-2015 (and Ordinance No. 27-2002, rescinded therein), establishing procedures for the legal and financial protection of County officers, employees, and volunteers from personal liability arising from acts or omissions occurring within the scope of their official duties; and

WHEREAS, Ordinance No. 2-2015 granted the Franklin County Prosecuting Attorney the authority to determine whether to provide a legal defense and indemnification; and

WHEREAS, the Franklin County Board of Commissioners has determined that centralized oversight by the Board is in the best interest of the County and its citizens, providing greater transparency, accountability, and consistency in the application of indemnification policies; and

WHEREAS, the Board also affirms its intent to extend the same indemnification protections to both current and former officers, employees, and volunteers for actions taken in good faith and within the scope of official duties during their period of County service; and

WHEREAS, this Ordinance is adopted pursuant to the general powers of the Board of County Commissioners under Title 36 RCW, RCW 4.96.041, RCW 4.96.060, and other applicable provisions of law;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON, AS FOLLOWS:

SECTION 1. PURPOSE

This Ordinance is intended to amend and supersede Ordinance No. 2-2015 to provide updated procedures for determining legal defense and indemnification of County officers, employees, and volunteers, **including both current and former individuals** transferring final decision-making authority to the Franklin County Board of Commissioners.

SECTION 2. DEFINITIONS

- **“County Officer or Employee”** includes all past and present County employees, elected or appointed officials, and volunteers acting on behalf of Franklin County, whether compensated or not, during their period of service.

- **“Indemnification”** means the payment of legal defense costs or judgments on behalf of a County officer or employee, excluding punitive damages unless specifically authorized.

SECTION 3. REQUEST FOR DEFENSE

When an action for damages is filed against a current or former County officer or employee, that individual may request legal defense and indemnification from Franklin County by submitting a written request on the form prescribed by the County (Exhibit A) to the Prosecuting Attorney’s Office.

SECTION 4. DETERMINATION TO DEFEND

1. The **Prosecuting Attorney’s Office** shall review the request and provide a written legal recommendation to the **Board of County Commissioners**, addressing:
 - Whether the act or omission occurred within the scope of official County duties;
 - Whether the conduct constituted willful misconduct, gross negligence, or malfeasance;
 - Whether indemnification is legally and equitably appropriate under RCW 4.96 and County policy.
2. The **Board of County Commissioners** shall make the final determination, by majority vote in a public meeting or executive session as permitted by law.

SECTION 5. SCOPE OF DEFENSE AND EXPENSES COVERED

If indemnification is approved:

- The County shall provide legal defense through the Prosecuting Attorney or authorized legal counsel.
- The County shall pay non-punitive damage awards or settlements arising from the claim.
- The County shall provide the same protections to both **current and former officers, employees, and volunteers** if the claim arises from conduct during their period of County service, performed in good faith and within the scope of duties.
- Punitive damages and private attorney costs shall only be paid if specifically authorized by the Board.

SECTION 6. WITHDRAWAL OF DEFENSE

The County may withdraw defense if:

- The officer or employee fails to cooperate in the defense; or
- New evidence indicates the individual acted in bad faith or outside the scope of official duties.

Withdrawal shall be communicated in writing. The affected officer or employee may appeal the withdrawal in writing to the Board within five (5) business days.

SECTION 7. DUTIES OF COUNTY OFFICERS OR EMPLOYEES

Without prior written approval from the Prosecuting Attorney's Office or authorized County counsel, no County officer or employee—current or former—may:

1. Negotiate or settle any claim on behalf of the County;
2. Admit liability;
3. Discuss the claim with individuals who are not County employees or authorized representatives.

SECTION 8. REPEALER

Ordinance No. 2-2015 and any prior resolutions, ordinances, or policy provisions inconsistent with this Ordinance are hereby repealed.

SECTION 9. SEVERABILITY

If any section or provision of this Ordinance is held to be invalid, the remainder shall remain in full force and effect.

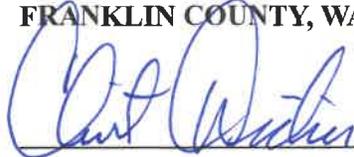
SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and required publication.

This document has been intentionally left blank to allow for signatures to appear on a single page.

APPROVED THIS 18th DAY OF JUNE 2025.

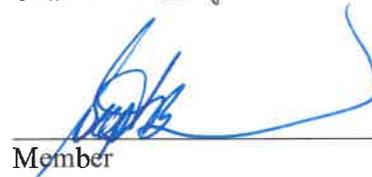
**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**



Chair

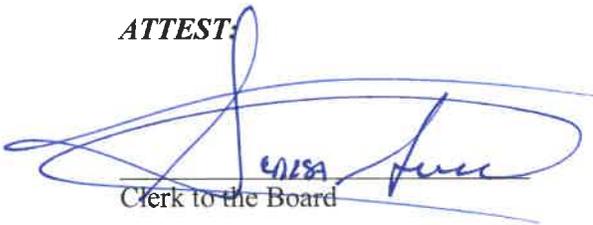


Chair Pro Tem



Member

ATTEST:



Clerk to the Board

APPROVED AS TO FORM:

Prosecuting Attorney

EXHIBIT A
REQUEST FOR DEFENSE – OFFICERS, EMPLOYEES, AND VOLUNTEERS
(Current or Former)

NAME OF CASE: _____
COURT: _____
CAUSE NUMBER (if known): _____

REQUESTING PARTY:
 Current County Employee/Official/Volunteer
 Former County Employee/Official/Volunteer

FULL NAME: _____
POSITION/TITLE (at time of incident): _____
DEPARTMENT (at time of incident): _____
SPOUSE (IF NAMED AS DEFENDANT): _____

DATE COMPLAINT OR CLAIM RECEIVED: _____
FROM WHOM RECEIVED: _____

ATTACH COPIES OF ALL DOCUMENTS RECEIVED RELATED TO THE CLAIM OR COMPLAINT

REQUEST FOR DEFENSE

Pursuant to **Franklin County Ordinance No. [Insert Number]**, I hereby request that Franklin County provide for my legal defense at County expense in connection with the above-captioned matter.

I certify that the acts or omissions giving rise to this claim occurred while I was acting in good faith and within the scope of my official duties on behalf of Franklin County. I understand and agree that:

- If I fail to fully cooperate with the Franklin County Prosecuting Attorney’s Office or other legal counsel assigned to represent me, the County may withdraw its defense in writing;
- If evidence indicates I did not act in good faith or within the scope of my official duties, the County may withdraw or deny defense and indemnification;
- I may not negotiate, admit liability, or discuss this matter with any individual who is not a County official or legal representative, unless specifically authorized in writing.

Signature of Requesting Party: _____
Date: _____

FOR OFFICIAL USE ONLY

Prosecuting Attorney Review:

RECOMMENDED FOR APPROVAL

RECOMMENDED FOR DENIAL

Comments or Conditions (if any):

Prosecuting Attorney Signature: _____

Date: _____

FINAL DETERMINATION – BOARD OF COUNTY COMMISSIONERS

DEFENSE REQUEST APPROVED

DEFENSE REQUEST DENIED

Date of Board Action: _____

Notes or Conditions (if applicable):

ATTEST:

Clerk of the Board