

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON AUTHORIZING PAYMENT OF THE NECESSARY EXPENSES FOR DEFENSE OF AN ELECTED OFFICIAL IN A JUDICIAL PROCEEDING CONVENED TO DETERMINE THE SUFFICIENCY OF RECALL CHARGES.

WHEREAS, Olympia Municipal Code (OMC) Chapter 2.72 authorizes the City Council to consider any request by an elected official of the City of Olympia to pay the necessary expenses of defending such officer in a judicial proceeding convened to determine the sufficiency of a recall charge; and

WHEREAS, OMC Chapter 2.72 states that the decision of the Council regarding such request shall be made by motion in open meeting, and that the Council shall approve the request if, upon considering all relevant and available information, it determines that reasonable evidence exists that the acts or omissions did not occur as alleged in the petition for recall; and

WHEREAS, OMC Chapter 2.72 also states that the City Attorney shall likewise determine if any such request should be approved, and that the City Attorney shall approve the request if he/she determines from the wording of the petition that a reasonable legal position can be established that the charge(s) is not sufficient for purposes of RCW 4.96.041; and

WHEREAS, a "Demand for Recall and Discharge of Mayor Cheryl Selby" was filed with the Thurston County Auditor's office on November 6, 2018; and

WHEREAS, pursuant to OMC Chapter 2.72, Mayor Selby has requested that the City pay the necessary expenses in defending her in her official capacity as Mayor of the City of Olympia in a judicial proceeding convened to determine the sufficiency of the recall charges; and

WHEREAS, the City Attorney has determined from the wording of the "Demand for Recall and Discharge of Cheryl Selby, holding the elected position of Mayor, Position #1" that a legal position can be established that the charges are not sufficient for purposes of RCW 4.96.041; and

WHEREAS, having considered all relevant and available information, the City Council determines that the acts or omissions did not occur as alleged in the "Demand for Recall and Discharge," and that the necessary costs to defend Mayor Selby in said judicial proceeding should be paid by the City of Olympia;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE that, pursuant to OMC Chapter 2.72, the necessary expenses of defending Mayor Cheryl Selby in a judicial proceeding convened to determine the sufficiency of the recall charges filed with the Thurston County Auditor by Jon S. Pettit shall be paid by the City of Olympia.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2018.

MAYOR PRO-TEM

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



ACTING CITY ATTORNEY