

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 Councilmember Jessica Bateman" was filed with the Thurston County Auditor's office on November 6, 2018; and

**WHEREAS**, pursuant to OMC Chapter 2.72, Councilmember Bateman has requested that the City pay the necessary expenses in defending her in her official capacity as Councilmember 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 Jessica Bateman, holding the elected position of Councilmember, Position #2" 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 Councilmember Bateman 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 Councilmember Jessica Bateman 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

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ACTING CITY ATTORNEY