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## City Council

# Approval of a Resolution Authorizing Payment of the Necessary Expenses for Defense of Mayor Cheryl Selby in a Judicial Proceeding Convened to Determine the Sufficiency of Recall Charges

**Agenda Date:** 11/13/2018  
**Agenda Item Number:** 6.B  
**File Number:** 18-1084

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**Type:** resolution **Version:** 1 **Status:** Passed

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**Title**

Approval of a Resolution Authorizing Payment of the Necessary Expenses for Defense of Mayor Cheryl Selby in a Judicial Proceeding Convened to Determine the Sufficiency of Recall Charges

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve a resolution authorizing payment of the necessary expenses for defense of Mayor Cheryl Selby in a judicial proceeding convened to determine the sufficiency of recall charges.

**Report**

**Issue:**

Whether to authorize payment of the necessary expenses for defense of Mayor Cheryl Selby in a judicial proceeding convened to determine the sufficiency of recall charges.

**Staff Contact:**

Annaliese Harksen, Acting City Attorney, 360.753.8338

**Presenter(s):**

Annaliese Harksen, Acting City Attorney, 360.753.8338

**Background and Analysis:**

A “Demand for Recall and Discharge” of Mayor Cheryl Selby was filed with the Thurston County Auditor’s office on November 6, 2018 (the “Demand for Recall and Discharge”).

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 recall charges.

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 recall charges.

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 demand for recall and discharge.

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 charges are not sufficient for purposes of RCW 4.96.041. With regard to Mayor Selby's request, the City Attorney has determined from the wording of the "Demand for Recall and Discharge" that a legal position can be established that the charges are not sufficient for purposes of RCW 4.96.041.

**Neighborhood/Community Interests (if known):**

None known.

**Options:**

1. Approve the Resolution as presented.
2. Amend the Resolution and take action to approve the Resolution as amended.
3. Do not take any action, which would result in legal expenses being borne by the elected official to judicially determine the sufficiency of the recall charges.

**Financial Impact:**

Unknown at this time.

**Attachments:**

Resolution  
Demand for Recall  
Request for Payment of Legal Expenses  
Letter from City Attorney Mark Barber