

RESOLUTION NO. 567

A RESOLUTION AUTHORIZING EAST WENATCHEE WATER DISTRICT TO DEFEND AND INDEMNIFY AND HOLD HARMLESS GREG BRIZENDINE, VINCE JOHNSTON, MIKE McCOURT, MATTHEW WARNER and GLEN BROADSWORD

WHEREAS, East Wenatchee Water District ("District") and Greg Brizendine ("Brizendine"), Vince Johnston ("Johnston"), Mike McCourt ("Mccourt"), Matthew Warner ("Warner"), and Glen Broadsword ("Broadsword") have each been named as defendants in the Claim for Damages pursuant to RCW 4.96.020, in writing, brought by Brad Behrens as the Plaintiff ("Claim"), and

WHEREAS, each of the defendants has been named as a defendant in the Claim in connection with his duties as General Manager, Supervisor and Commissioners (as the case may be) at the District, and

WHEREAS, the Claim alleges claims against each of the named defendants arising out of actions each defendant took in his capacity as General Manager, Supervisor, and Commissioner (as the case may be) for the District, as well as others, for which the District is authorized to hold Brizendine, Johnston, McCourt, Warner and Broadsword each harmless pursuant to RCW 57.08.105, RCW 57.08.107, and RCW 36.16.138, as against any expense connected with the defense, settlement, or monetary judgments from such Claim to the extent the same arises out of the acts or omissions while performing or in good faith purporting to perform each of Defendant's official duties for the District, and

WHEREAS, the District believes it should defend, indemnify and hold Brizendine, Johnston, McCourt, Warner and Broadsword (and each of them) harmless from liability for actions relation to the Claim each Defendant took in his capacity as the General Manager, Supervisor, and Commissioner (as the case may be) for the District to the fullest extent permitted by RCW 57.08.105, RCW 57.08.107 and RCW36.16.138, and

WHEREAS, for the reasons set forth above, the Board of Commissioners for the District ("Board") desire to adopt a Resolution defending, indemnifying and holding Brizendine, Johnston, McCourt, Warner and Broadsword (and each of them) harmless from actions he took as the General Manager, Supervisor and Commissioner (as the case may be) of the District subject to the caveats referenced herein which pertain to the allegations of the Claim, and

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE EAST WENATCHEE WATER DISTRICT AS FOLLOWS:

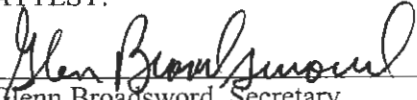
Section 1. For the reasons set forth in the Recitals, the Board of Commissioners of the East Wenatchee Water District ("Board") have determined that it would be appropriate to defend, indemnify and hold Brizendine, Johnston, McCourt, Warner and Broadsword (and each of them) harmless from any expenses connected with the defense, settlement, or monetary judgment taken against each (or all) of the Defendants in the Claim to the fullest extent permitted by RCW 57.08.105, RCW 57.08.107 and RCW 36.16.138; provided, however, it is recognized and understood that such defense, indemnification and hold harmless shall not extend to any Judgment, or portion thereof, arising out of any bad faith action or inaction by Brizendine, Johnston, McCourt, Warner and Broadsword.

Section 2. The District administrators are hereby authorized and directed to defend, indemnify and hold Brizendine, Johnston, McCourt, Warner and Broadsword (and each of them) harmless from any judgment taken against any of said defendants in the Claim to the fullest extent permitted by RCW 57.08.105, RCW 57.08.107 and RCW 36.16.138; provided, however, it is recognized and understood that such defense, indemnification and hold harmless shall not extend to any Judgment, or portion thereof, arising out of any bad faith action or inaction by Brizendine, Johnston, McCourt, Warner and Broadsword.

ADOPTED, by the BOARD OF COMMISSIONERS of the EAST WENATCHEE WATER DISTRICT, Douglas County, Washington at a regular meeting thereof, this 7th day of December, 2005.


Mike McCourt, President

ATTEST:


Glenn Broadsword, Secretary