

Port of Kingston
Kitsap County, WA

RESOLUTION NO. 05-02-2020

A Resolution of the Commission of the Port of Kingston

PROVIDING FOR DEFENSE AND/OR JUDGMENT OR SETTLEMENT

WHEREAS, Robin Hordon initiated a lawsuit in the United States District Court, Western District of Washington under Case No. 3:20-cv-05464 (the "Lawsuit");

WHEREAS, the defendants in the Lawsuit include the Port of Kingston and the following employees: Greg Englin, Ray Carpenter, and Austin Goff (such individuals being collectively referred to herein as the "Employee Defendants");

WHEREAS, the Employee Defendants have each requested the Port to provide a legal defense to defend them in the Lawsuit and to pay for any judgment or settlement as authorized by RCW 53.08.208; and

WHEREAS, the facts and circumstances set forth in the Lawsuit indicate that the actions taken by the Employee Defendants giving rise to the Lawsuit were taken by the Employee Defendants in good faith and within the scope of their employment.

THEREFORE, BE IT RESOLVED by the Board of Commissioners for the Port of Kingston hereby as follows:

1. Pursuant to RCW 53.08.208, the Port hereby authorizes the Port's general counsel, Chmelik Sitkin & Davis, P.S., to defend the Employee Defendants in the Lawsuit and for the costs of defense, attorneys' fees, and any obligation for payment arising from such action (e.g., judgment or settlement) to be paid from the Port's funds to the extent not paid for by its risk sharing pool.
2. Notwithstanding the foregoing, if the Court should find that any of the Employee Defendants were not acting in good faith within the scope of their employment, the Port will not pay the costs of defense and/or judgment or settlement for such Employee Defendant. If any such costs have been paid by the time the court makes such determination, the Port will seek reimbursement from such Employee Defendant.

Passed by the Board of Commissioners for the Port of Kingston, Kitsap County, Washington at a Regular Meeting held this 27th day of May 2020.

PORT OF KINGSTON
KITSAP COUNTY, WASHINGTON



Steve Heacock, Chair



Mary McClure, Vice Chair



Laura Gronnvoll, Secretary

ATTEST:



Tarrah Dofelmer, Executive Assistant