

**CITY OF BLAINE**  
**REQUEST FOR COUNCIL ACTION**  
**MEETING DATE: January 9, 2006**

**SUBJECT:** Resolution 1420-06, Legal Defense for Defendants in White vs Wolf, et al

**SUBMITTING DEPT:** City Manager

**PREPARED BY:** Gary Tomsic, City Manager

**AGENDA LOCATION:** Comments / Communications , Consent ,  
Public Meeting (Hearing) , Unfinished Business , Council Action Item ,  
Committee Reports

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**ATTACHMENTS:** Resolution 1420-06

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**ANALYSIS / SUMMARY:** David White has initiated a law suit naming as defendants Council Member Bruce Wolf, former Planning Commission Chairman Brad O'Neill, Planning Commission Member Sue Sturgill, and Roger Ellingson as a member of the City's Boardwalk Committee. The law suit alleges various acts of conflict by these defendants. Each of these named persons has officially requested that the City provide legal representation for them in this matter (except for Sue Sturgill who, as of this date, is out of town). This resolution authorizes the City to provide representation.

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**RECOMMENDATION:** Approve Resolution 1420-06

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**FISCAL ANALYSIS:** There will be unanticipated legal costs. The costs have not been estimated.

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**REVIEWED BY:** City Manager \_\_\_\_\_ Finance Director \_\_\_\_\_ City Clerk \_\_\_\_\_

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**COUNCIL ACTION:**      Approved       Denied       Tabled / Deferred   
Assigned to: \_\_\_\_\_

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**COUNCIL ACTION:** \_\_\_\_\_

**RESOLUTION NO. 1420-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON  
TO PROVIDE LEGAL DEFENSE FOR THE DEFENDANTS IN *WHITE v. WOLF, ET  
AL, WHATCOM COUNTY CAUSE NUMBER 05-2-02849-8.***

**WHEREAS**, David White has commenced an action against four individuals who have served the City of Blaine either as a volunteer or as an appointed or elected official, and said suit alleges certain liability of said individuals in arising out of the performance, purported performance, or failure to perform in good faith of their respective duties, or has alleged that each defendant has violated RCW 42.23.030; and

**WHEREAS**, The City may either provide insurance or self-insure such individuals and hold harmless such individuals from any expense connected with the defense, settlement, or monetary judgments from such action and/or proceedings, including the reimbursement of legal expenses or provide the legal services in cured in defending a suit alleging improper performance of such duties; and

**WHEREAS**, The City has to date received a request from three of the four named defendants that the City provide them with legal defense.

NOW, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLAINE as follows:

The City of Blaine shall provide legal defense and related costs for such defense in the action entitled *David White v. Wolf, O'Neil, Sturgill, and Ellingson*, Whatcom County Cause Number 05-2-02849-8 upon receipt of a written request from the defendant to provide such legal defense and pay the related costs as the City Manager may determine reasonable for the defense of such action.

ADOPTED AND APPROVED by the City Council of the City of Blaine on this \_\_\_\_ day of \_\_\_\_\_, 2006

CITY OF BLAINE, WASHINGTON

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MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk