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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2956

AN ORDINANCE relating to legal actions brought against City officials and employees; providing for legal representation and payment of claims regarding conduct, acts, and omissions of certain City officials and employees in accordance with the City's self-insurance program and union contracts; amending Section 4 of Ordinance No. 2733 and Bellevue City Code Section 3.81.030; and adding a new section 3.81.080 to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 4 of Ordinance No. 2733, and Section 3.81.030, of the Bellevue City Code, are hereby amended to read as follows:

3.81.030 Exclusions.

Except where coverage therefor is provided for City officials or employees under a policy of insurance or under the City's self-insurance program established under Ordinance No. 2957, as said ordinance now exists or may hereafter be amended, the obligations assumed under this chapter by the City and the City Attorney shall not apply to any dishonest, fraudulent, criminal or malicious act of an official or employee, or to any act of an official or employee which is not performed on behalf of the City or which is outside the scope of his/her service or employment with the City or to any lawsuit brought by or on behalf of the City. Further, the provisions of this Chapter shall have no force and effect with respect to any accident, occurrence or circumstance in which the City or an official or employee is insured against loss or damages under the terms of any valid insurance policy.

The determination of whether an official or employee was acting on behalf of the City and within the scope of his/her service or employment with the City shall be made by the City Attorney. The determination of whether an official or employee committed a dishonest, fraudulent, criminal or malicious act shall be made by the City Attorney. There shall be no appeal from such determinations.

Section 2. There is hereby added to Chapter 3.81 of the Bellevue City Code a new Section 3.81.080, to read as follows:

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3.81.080 Union contracts.

If a bargaining unit contract covers any of the provisions of this Chapter, all employees under such contract shall be governed by the provisions thereof, rather than by the provisions of this Chapter, and where any conflict exists between the provisions of any such contract and this Chapter, such contract shall control.

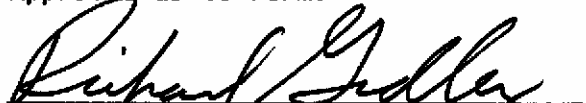
Section 3. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 9 day of March, 1981, and signed in authentication of its passage this 9 day of March, 1981.

(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Richard Gidley, Acting City Attorney

Attest:


Patricia K. Weber, City Clerk

Published March 11, 1981