

**RESOLUTION NO. 18-1221**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON RESCINDING RESOLUTION NO. 17-1201 AND DENYING PAYMENT OF LEGAL EXPENSES AND INDEMNIFICATION OF ERIKA MORGAN, BRIAN WEBER, AND PAT PEPPER IN CONNECTION WITH THE BREMNER LAWSUIT AND RELATED THIRD-PARTY CLAIMS**

**WHEREAS**, attorney Anne Bremner filed a lawsuit in King County Superior Court, Cause No. 17-2-26654-0 KNT ("Bremner Lawsuit"), purportedly on behalf of the Black Diamond City Council; and

**WHEREAS**, the Bremner Lawsuit was filed without the approval or authority of the Black Diamond City Council; and

**WHEREAS**, the Black Diamond City Council opposes the Bremner Lawsuit and desires that all claims and actions asserted against Mayor Benson be immediately dismissed with prejudice; and

**WHEREAS**, after the Bremner Lawsuit was filed, Erika Morgan, Brian Weber, and Pat Pepper were all individually named as third-party defendants by intervenor CCD Black Diamond Partners, LLC, and, as a result of the claims asserted against Morgan, Weber, and Pepper, each of them has requested that the City pay their legal defense costs and indemnify them against any adverse judgments; and

**WHEREAS**, BDMC Chapter 2.66 provides a mechanism for current and former City officials to request that the City pay their defense costs and indemnify them from any judgments or awards that may be entered against them; and

**WHEREAS**, BDMC 2.66.040 invests the City Council with the final authority to decide, on recommendation of the Mayor, whether the City will indemnify or pay defense costs of current and former City officials when litigation is brought against them; and

**WHEREAS**, the City Council has determined that Erika Morgan, Brian Weber, and Pat Pepper are not entitled to have the City pay their defense costs or indemnify them in connection with the Bremner Lawsuit or the third-party claims asserted therein, and moreover that Resolution No. 17-1201 does not accurately reflect the will of the City Council or the financial best interests of the City, especially given the reckless and intentional acts of Morgan, Weber, and Pepper that led to the third-party claims being asserted against them, as well as their failure to comply with the conditions and requirements for a City-funded defense under BDMC Chapter 2.66;


**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1. Rescission of Resolution No. 17-1201.** The Black Diamond City Council hereby rescinds Resolution No. 17-1201 in its entirety.

**Section 2. No City-Funded Indemnification or Defense of Morgan, Weber, or Pepper.** Pursuant to BDMC 2.66.040 the Black Diamond City Council determines that Councilmember Pat Pepper and former Councilmembers Erika Morgan and Brian Weber are not entitled to have the City pay the costs of their defense or other legal expenses incurred in connection with the Bremer Lawsuit or the third-party claims asserted against them in King County Superior Court Cause No. 17-2-26654-0 KNT, nor are they entitled to be indemnified against any judgments, awards, or sanctions entered in the course of or in connection with same.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON,  
AT A REGULAR MEETING THEREOF, THIS 4TH DAY OF JANUARY, 2018.**

CITY OF BLACK DIAMOND:

  
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Carol Benson, Mayor

Attest:

  
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Brenda L. Martinez, City Clerk