Ordinance No. 3182
(Amending or Repealing Ordinances)

CFN=220 – Claims Against the City
Passed 9/6/1994
Amending Ch. 2.97 Relating to the Filing and Administration of Claims Against the City

Amended by Ord. 3579
Amended by Ord. 3928 (Sec. 2.97.010)
Amended by Ord. 4000 (Sec. 2.97.020)
ORDINANCE NO. 3182

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 2.97 relating to the filing and administration of claims against the City.

WHEREAS, RCW 35A.31.010 provides that claims against a code city shall be presented and filed pursuant to RCW 4.96.020, which provision previously referred to RCW 35.31.040 relating to claims filed against non-code cities; and

WHEREAS, RCW 4.96.020 has been amended by the State Legislature to set forth how claims against cities shall be presented and filed and no longer refers to RCW 35.31.040; and

WHEREAS, the City Council desires to amend Chapter 2.97 of the Kent City Code to be in conformance with the provisions of RCW 4.96.020; and

WHEREAS, it is also the desire of the City Council to provide for the prompt and efficient administration, defense and settlement of small claims made against the City; and
WHEREAS, in order to obtain this efficiency, the Mayor should be given the authority to administer and settle small claims; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Kent City Code Chapter 2.97 entitled "City Claims" is hereby amended to read as follows:

CHAPTER 2.97. FILING AND ADMINISTRATION OF CITY CLAIMS

Sec. 2.97.010. Claims - presentment and filing Process.

A. All claims for damages against the city shall be presented to and filed with the city council thereof, through the city clerk's office, within the applicable period of limitations within which an action must be commenced.

B. All claims for damages arising out of tortious conduct must specify:

1. the date, time and place the injury or damage occurred;

2. the conduct and circumstances which brought about the injury or damage;

3. the injury or damage incurred;

4. the amount of damages claimed;
5. any alleged act or omission on the part of the city and the basis upon which liability is being asserted against the city;

6. the names of all persons involved and any known witnesses;

7. the name and actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose.

C. All claims must be signed by the claimant and notarized prior to filing. If the claimant is incapacitated from verifying, presenting, and filing the claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which the claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.

D. No action shall be commenced against the City for damages arising out of tortious conduct until sixty days have elapsed after the claim has first been presented to and filed with the city council thereof. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty-day period.

A. No action for monetary damages against the city shall be commenced until a written claim for damages has been properly presented and filed with the city clerk's office and the city council. The claim must specify the name of the claimant, the
claimant's address, the date and location of the claimed loss, any alleged act or omission on the part of the city and the basis upon which liability is being asserted against the city, any known witnesses, the nature and extent of the injury or damage sustained, and the amount being claimed. All claims must be signed by the claimant and notarized prior to filing.

B. Once the claim is properly filed with the city clerk, it shall be distributed to the human resources personnel department, appropriate department head and city attorney's office. As necessary, the personnel department coordinates further distribution and review by the city's risk manager and/or claims administrator.

C. A lawsuit based upon the allegations of a claim for damages may not be instituted against the city within sixty (60) days of the filing of such claim, unless the applicable statute of limitations will expire within that period of time. The requirements of this section shall not affect in any manner the commencement and running of any applicable statute of limitations.

Sec. 2.97.020. Administration of claims.

The city attorney shall be responsible for representing the City on all claims made against the city except to the extent claims are administered and/or defended by the city's insurance companies, Washington Cities Insurance Authority and other contracted claims administration service providers, which claims
shall be administered and defended pursuant to the terms of those contracts. The mayor shall have the authority to settle any claim against the city for an amount not to exceed $15,000 per occurrence subject to the availability of funds budgeted for settlement purposes. All settlements shall be reported to the City Council as directed by the Council. All settlements over $15,000 per occurrence shall be subject to council approval.

SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR
I hereby certify that this is a true copy of Ordinance No. 3182, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK