Ordinance No. 3579

(Amending or Repealing Ordinances)

CFN=220 – Claims Against the City
Passed 12/11/2001
Amending Sec. 2.97.010 of the KCC relating to Filing a Claim Against the City

Amends Ords. 2562;3182

Amended by Ord. 3928
ORDINANCE NO. 3579

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 297.010 of the Kent City Code relating to the presentment, filing, and administration of claims for damages against the City in order to comply with newly enacted legislation

WHEREAS, the State Legislature recently enacted new legislation which requires each local government to appoint an agent to accept service of claims for damages against that locality and, further, each local government must record, with its county auditor, the identity and the location of the agent during business hours, and

WHEREAS, Chapter 297 of the Kent City Code pertains to the presentment, filing, and administration of claims for damages filed with the City, and

WHEREAS, Section 297.010 of the Kent City Code designates that all claims for damages are to be filed with the City Council, through the City Clerk, and

WHEREAS, this ordinance amends Section 297.010 of the Kent City Code to clarify that the City Council has appointed the City Clerk as the agent to receive claims for damages and provides the address where the City Clerk’s Office is located. Upon passage of this ordinance, the City Clerk will record this ordinance with the King County Auditor, NOW THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON,
DOES HEREBY ORDAIN AS FOLLOWS

**SECTION 1.** Section 2.97.010 of the Kent City Code, entitled “Claims, presentment and filing process,” is hereby amended to read as follows:

Sec. 2.97.010. **Claims, presentment, and filing process, and appointed agent.**

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. The city council hereby appoints as its agent to receive claims for damages filed under this section the city clerk, whose office is located within city hall at 220 Fourth Avenue South, Kent, Washington 98032.

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 claiming at the time of presenting and filing the claim and for a period of six (6) 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

2 **Claims for Damages – Appointment of Agent**
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 (60) 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 (60) day period.

SECTION 2 – Severability. If any one or more section, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

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

JIM WHITE, MAYOR

ATTEST

BRENDA JACOBER
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM.

ROGER LUBOVICH, CITY ATTORNEY
APPROVED. 11 day of December, 2001
PUBLISHED 15 day of December, 2001

I hereby certify that this is a true copy of Ordinance No 3579 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 (SEAL)
BRENDA JACOBER, CITY CLERK
WASHINGTON STATE COUNTY AUDITOR/RECORDER’S COVER SHEET

Document Title: City of Kent Ordinance No. 3579 amending Section 2.97.010 of the Kent City Code relating to the presentment, filing, and administrative claims for damages against the City in order to comply with newly enacted legislation.

Reference Number(s): N/A

Grantor(s): N/A

Grantee(s): N/A

Abbreviated Legal Description:

Assessor’s Property Tax Parcel/Account Number(s): N/A