

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE 1378

**AN ORDINANCE OF THE CITY OF STANWOOD RELATING TO
DAMAGE CLAIMS AGAINST THE CITY AND ESTABLISHING A
NEW CHAPTER 5.50 OF THE STANWOOD MUNICIPAL CODE
CREATING A PROCEDURE FOR FILING DAMAGE CLAIMS
AGAINST THE CITY**

WHEREAS, the City of Stanwood has no formally adopted procedure for filing claims against the City; and

WHEREAS, chapter 4.96 RCW requires the legislative body of each local government to designate an agent to receive claims against the City, and to record a notice with the County Auditor identifying the agent and the place where claims must be presented; and

WHEREAS, adopting a damage claims policy will enable the City to handle claims efficiently and effectively in accordance with legal requirements and best practices; and

WHEREAS, the City Council finds for all of these reasons that the public interest will be served thereby;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Stanwood as follows:

Section 1. A new Chapter 5.50 "Damage Claims Against the City" is hereby added to Title 5 "Revenue and Finance" of the Stanwood Municipal Code, to read as follows:

5.50.010 City Clerk designated as agent - Place for filing claims.

A. The City Clerk is hereby designated as the agent to receive claims for damages against the City pursuant to chapter 4.96 RCW.

B. All claims for damages against the City shall be presented to the City Clerk at City Hall. A claim is deemed presented when the claim form is delivered in person to the City Clerk during regular business hours or is received by the City Clerk by regular mail, registered mail, or certified mail, with return receipt requested.

C. The City Clerk shall prepare and file a notice pursuant to RCW 4.96.020 identifying the City Clerk as the agent to receive claims against the City and the address where he or she may be reached during the normal business hours, which notice shall be recorded with the auditor of the Snohomish County.

5.50.020 Requirements for tort claims.

All claims for damages must be presented on the standard tort claim form available on the City's web site, or may be obtained from the City Clerk's office.

5.50.030 Processing procedure.

A. The City Clerk shall immediately forward copies of all claims received to the City's Risk Management Coordinator.

B. All claims that are not allowed by the City within 60 days are deemed denied.

C. The City's Risk Management Coordinator shall tender all claims to the City's designated insurance provider.

5.50.040 Filing claim with City Clerk mandatory.

Pursuant to RCW 4.96.020, no action may be maintained against the City for damages arising out of alleged tortuous conduct until 60 days have elapsed after a claim has first been presented to and filed with the City Clerk. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced except that such period of limitations within which an action must be commenced shall be tolled during the 60-day period after the claim has been filed with the City Clerk.

Section 2. Severability - If any section, sentence, clause, or phrase of this Ordinance is ruled invalid by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain valid and be in full force and effect.

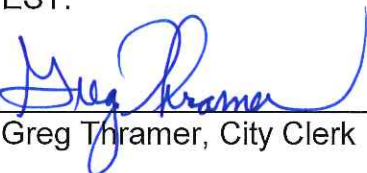
Section 3. Effective Date - This Ordinance shall be in full force and effect five (5) days after publication by summary.

PASSED by the City Council and APPROVED by the Mayor this 21st day of Aug., 2014.


CITY OF STANWOOD

By: 
Leonard Kelley, Mayor

ATTEST:

By: 
Greg Thramer, City Clerk

Approved as to form:

By: 
Grant K. Weed, City Attorney

Date of Publication: August 26, 2014

Effective Date: September 1, 2014