

## CHAPTER 1.32

### CLAIMS AGAINST THE CITY

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#### **1.32.010: Claims - Form - Filing - Verification:**

(1) Claims for damages sounding in tort against the City shall be presented and filed with the City Clerk who is the registered agent of the City, as recorded with the County Auditor. All such claims for damage must require the following information:

- (a) The claimant's name, date of birth, and contact information;
- (b) A description of the conduct and the circumstances that brought about the injury or damage;
- (c) A description of the injury or damage;
- (d) A statement of the time and place that the injury or damage occurred.
- (e) A listing of the names of all persons involved and contact information, if known;
- (f) A statement of the amount of damages claimed; and
- (g) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(2) The claim form must include a signature of the claimant, verifying the claim, by the attorney-in-fact for the claimant pursuant to a written power of attorney, by an attorney admitted to practice in Washington State on the claimant's behalf, or by a court-approved guardian ad litem on behalf of the claimant. (Ord. 5275 Sec. 1, 2009: Ord. 5270 Sec. 1, 2009: Ord. 3495 Sec. 1, 1993: Ord. 3313 Sec. 1, 1991: Ord. 3149 Sec. 1 (part), 1988)

**1.32.020: Report from Department:** No claim or any part thereof shall be allowed, or any money or other property appropriated to pay or satisfy the claim or any part thereof until the claim has been referred to the proper department and until that department has made a report thereon to the Risk Management Coordinator or his designee. (Ord. 5270 Sec. 2, 2009: Ord. 3149 Sec. 1 (part), 1988)

**1.32.030: No Action to Be Commenced:** No action shall be maintained against the City for any claim for damages until the same has been presented to the City by filing the same with the City Clerk and 60 calendar days have elapsed after such presentation. For the purposes of the applicable period of limitations, an action commenced within five court days after the 60 calendar day period has elapsed is deemed to have been presented on the first day after the 60 calendar day period elapsed. (Ord. 5270 Sec. 3, 2009: Ord. 3149 Sec. 1 (part), 1988)

**1.32.040: Payment of Judgments - Warrants:** The Treasurer may draw warrants against the Risk Management Fund for the full amount of any judgment, including interest and costs

against the City on account of personal injuries suffered by any person as shown by a transcript of judgment duly filed with him or the clerk. Warrants issued for such purpose shall be in denominations of not less than \$100.00 nor more than \$500.00; they shall draw interest at the rate of six percent per annum, shall be numbered consecutively and shall be paid in the order of their issue. (Ord. 3149 Sec. 1 (part), 1988)

**1.32.050: Tax Levy for Fund:** The City Council, after the drawing of warrants against the Risk Management Fund, shall estimate the amount necessary to pay warrants with accrued interest thereon and may appropriate and transfer money from any contingency fund sufficient therefor, or if there is not sufficient money in the contingency fund may levy a tax sufficient to pay all or such unpaid portion of any judgment not exceeding 75 cents per thousand dollars of assessed value. If a single levy of 75 cents per thousand dollars of assessed value is not sufficient, and if other monies are not available therefor, an annual levy of 75 cents per thousand dollars of assessed value shall be made until the warrants and interest are fully paid. (Ord. 3149 Sec. 1 (part), 1988)

**1.32.060: Surplus of Risk Management Fund:** If there is no judgment outstanding against the City for personal injuries, the money remaining in the Risk Management Fund after the payment of warrants drawn on that fund and interest in full shall be transferred to the General Fund. (Ord. 3149 Sec. 1 (part), 1988)