

ORDINANCE 3983

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DAMAGE CLAIMS AGAINST THE CITY AND ESTABLISHING A NEW CHAPTER 5.30 OF THE KIRKLAND MUNICIPAL CODE CREATING A PROCEDURE FOR FILING.

The City Council of the City of Kirkland do ordain as follows:

Section 1. A new Chapter 5.30, "Damage Claims Against the City," is hereby added to Title 5 of the Kirkland Municipal Code, to read as follows:

5.30.010 Place for filing claims.

All claims for damages against the City shall be filed with the City Clerk. The City Clerk shall immediately forward copies of such claims to the City's Safety/Risk Management Coordinator.

5.30.020 Report and requisites for claims.

All such claims for damages must accurately locate and describe the conduct and circumstances that caused the injury or damage, reasonably describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, state the amount of the damages claimed, state the 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, and be verified by the claimant. 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 authorized to represent the claimant.

5.30.030 Processing procedure.

Upon receipt of a claim for damages, the City's Safety/Risk Management Coordinator forwards the claim and Comment Summary Sheet to WCIA. Settlement of claims is completed by WCIA.

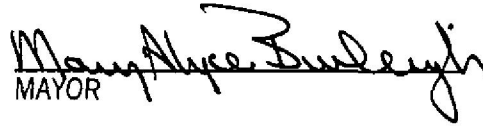
5.30.040 Filing claim with city clerk mandatory.

No action may be maintained against the City for damages arising out of tortious 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 has been filed with the City Clerk.

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting  
this 4th day of January, 2005.

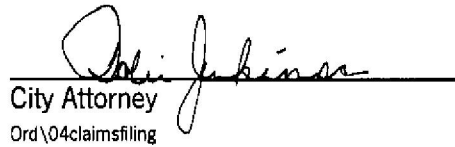
Signed in authentication thereof this 4th day of  
January, 2005.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney  
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