

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2013-15**

**SUBJECT: Procedures for Filing Claims Against the City**

### CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 10/30/2013
- (X) Passed by the City Council: 11/06/2013
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 11/15/2013
- (X) Effective: 11/20/2013
- (X) Recorded: 201311130030

### DISTRIBUTED COPIES AS FOLLOWS:

- (X) NK Herald: Emailed by jb
- (X) Code Publishing
- ( ) City Attorney
- ( ) Civil Service Commission and/or Sec/Chief Examiner
- ( ) Clerk's Department:
- ( ) City Council
- ( ) Finance:
- (X) Posted to Library Drive and Website

Jill A. Boltz  
City Clerk

November 14, 2013  
Date

Name and Full Address

CITY OF POULSBO  
200 NE MOE STREET  
POULSBO, WA 98370

POULSBO CITY OF 201311130030

Ordinance Rec Fee: \$ 36.00

11/13/2013 08:42 AM

Walter Washington, Kitsap Co Auditor

Page: 1 of 5



Please print neatly or type information.

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Document Title(s):

ORDINANCE NO. 2013-15

Additional reference #'s on page: \_\_\_\_\_

Reference Number(s) of related documents: \_\_\_\_\_

Grantor(s):

CITY OF POULSBO

Additional Grantors on Page: \_\_\_\_\_

Grantee(s):

Additional Grantee on Page: \_\_\_\_\_

Legal Description (abbreviated form: i.e. Plat name, lot, block, section, township, range, quarter/quarter).

Additional Legal Description on Page: \_\_\_\_\_

Assessor's Property Tax Parcel/Account Number: \_\_\_\_\_

Additional Tax Parcel/Account Number on Page: \_\_\_\_\_

I, \_\_\_\_\_, am requesting an emergency nonstandard recording for an additional fee of \$50.00 as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature: \_\_\_\_\_

## **ORDINANCE NO. 2013-15**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING CHAPTER 2.96 OF THE POULSBO MUNICIPAL CODE REESTABLISHING PROCEDURES FOR FILING CLAIMS AGAINST THE CITY AND REPEALING RESOLUTION NO. 2003-03

---

**WHEREAS**, the City of Poulsbo desires to reestablish the process for filing of claims against the City; and

**WHEREAS**, RCW 4.96.020, as amended by Chapter 119, Laws of 2001, requires that the City Council appoint an agent for the receipt of claims against the city for tortious conduct; and

**WHEREAS**, the City Council has determined that the City Clerk or in his/her absence the Deputy Clerk, to be the appropriate person to receive service for the city and was therefore appointed as the city's agent for claims purposes by Resolution 2003-03, passed by the City Council on March 5, 2003; and

**WHEREAS**, in an effort to provide clear and concise information to the public on the process and procedures for submitting claims against the city, Resolution 2003-03 is hereby incorporated into Poulsbo Municipal Code Chapter 2.96; now therefore,

**THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Claims Procedure.** Poulsbo Municipal Code Chapter 2.96 entitled "City Claims Process" is hereby amended to read as follows:

**2.96.010 Form of Claim – Filing.** No action for monetary damages against the city shall be considered until a written claim for damages has been properly presented and filed with the city clerk's office, in accordance with RCW 4.96.020. The claim shall be submitted on a "Standard Tort Claim Form" provided by the city clerk and shall contain all information statutorily required by such form. All claims must be signed by the claimant and notarized prior to filing and a separate Standard Tort Claim Form should be submitted by each individual claimant.

**2.96.020 Distribution – Duties of city clerk.** Once a claim is properly filed with the city clerk, distribution shall be made to the city's liability insurance provider, mayor, city council, appropriate department head, finance director, and city attorney. The city clerk will establish a pending file for the claim, with future follow-up and review with the city's liability insurance provider and applicable city staff.

**2.96.030 Council action.** At the request of the mayor or council member, an executive session may be scheduled in accordance with RCW 42.30.110(1)(i), to discuss litigation or potential litigation with the city's legal counsel.

**2.96.040 Litigation.** As required under RCW 4.96.020(4), no lawsuit based upon the allegations listed in the Standard Tort Claim Form may be instituted against the city until sixty calendar days have elapsed following 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.

## **SECTION 2. Appointment of Agent.**

**2.96.050 Appointment of Agent.** The Poulsbo City Council hereby appoints the Poulsbo City Clerk to act as the city's agent for the receipt of damages claims against the city for tortuous conduct. In the City Clerk's absence, the Deputy City Clerk is hereby appointed to act as the city's agent for receipt of claims. Both the City Clerk and the Deputy City Clerk can be reached during the city's normal business hours at Poulsbo City Hall, 200 NE Moe Street, Poulsbo, Washington.

**SECTION 3. Repeal.** Resolution 2003-03 of the City of Poulsbo, passed by the City Council on March 5, 2003, is hereby repealed.

**SECTION 4. 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 5. Recording.** A copy of this ordinance shall be recorded with the Kitsap County Auditor.

**SECTION 6. Effective Date.** This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

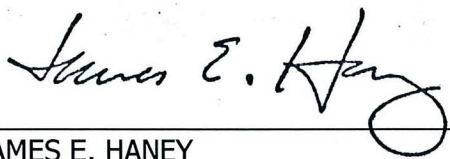
  
\_\_\_\_\_  
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK JILL A. BOLTZ, CMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY   
\_\_\_\_\_  
JAMES E. HANEY

FILED WITH THE CITY CLERK: 10/30/2013  
PASSED BY THE CITY COUNCIL: 11/06/2013  
PUBLISHED: 11/15/2013  
EFFECTIVE DATE: 11/20/2013  
ORDINANCE NO. 2013-15

**SUMMARY OF ORDINANCE NO. 2013-15**

of the City of Poulsbo, Washington

On the 6th day of November, 2013, the City Council of the City of Poulsbo, passed Ordinance No. 2013-15. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING CHAPTER 2.96 OF THE POULSBO MUNICIPAL CODE REESTABLISHING PROCEDURES FOR FILING CLAIMS AGAINST THE CITY AND REPEALING RESOLUTION NO. 2003-03

The full text of this Ordinance will be mailed upon request.

DATED this 8th day of November, 2013.

  
\_\_\_\_\_  
CITY CLERK JILL A. BOLTZ, CMC