0867-ORD
05/25/06

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5674

AN ORDINANCE amending Bellevue City Code (BCC) Chapter 4.36 identifying the current address where the City Clerk may be reached for such purposes, clarifying BCC Chapter 4.36's applicability to claims against officers, employees and volunteers, acting in such capacity, declaring a public emergency, and establishing an immediate effective date.

WHEREAS, effective June 7, 2006 RCW 4.96.020 (Actions Against Political Subdivisions, Municipal and Quasi-Municipal Corporations) is amended to 1) provide that a local governmental agency's failure to comply with said statute's requirements precludes it from raising a defense under said Chapter; and 2) clarify the statute's applicability to claims against governmental officers, employees and volunteers, acting in such capacity; and

WHEREAS, RCW 4.96.020 requires that the local government entity identify the address where a damages claim against said entity can be filed; and

WHEREAS, BCC 4.36.010 identifies the old city hall address; and

WHEREAS, a public emergency exists to amend BCC 4.36 for the protection of the public health and safety to provide the public with a current address for filing claims for damages with the City and to meet the requirements of newly amended RCW 4.96.020 that becomes effective June 7, 2006; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code Section 4.36.010 is hereby amended to read as follows:

4.36.010 Place for filing claims.

Claims for damages against the city, and/or its officers, employees, or volunteers, acting in such capacity, shall be filed with the city clerk, who is hereby appointed the city's agent to receive claims. The city clerk's office is located at Bellevue City Hall, 450 110th Avenue N.E., Bellevue, Washington 98004. The clerk's office is open to the public Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. except holidays. The city clerk shall immediately forward copies of such claims to the city attorney and to the city's risk manager.

Section 2. Bellevue City Code Section 4.36.038 is hereby amended to read as follows:

4.36.038 Legal representation.

The city attorney is hereby authorized to hire and retain private attorneys for representation of the city and/or its officers, employees, or volunteers, acting in such capacity regarding any evaluation of or litigation involving damage claims; fees for such services shall be paid from the general self-insurance fund.

Section 3. Bellevue City Code Section 4.36.040 is hereby amended to read as follows:

4.36.040 Procedures mandatory.

No claim for damages against the city and/or its officers, employees, or volunteers, acting in such capacity or any part thereof shall be paid, and no money shall be appropriated to pay or satisfy any such claim unless there is compliance with the procedures set forth in this chapter.

Section 4. Bellevue City Code Section 4.36.050 is hereby amended to read as follows:

4.36.050 Filing claim with city clerk mandatory.

No action shall be maintained against the city and/or its officers, employees, or volunteers, acting in such capacity for damages arising out of 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 a claim has been presented and filed with the city clerk.

Section 5. Public Emergency. The City Council hereby finds and declares that a public emergency exists, and that this ordinance is a public emergency ordinance necessary for the protection of the public heath and safety and should, take effect upon adoption. The facts upon which this public emergency are based include all findings and recitals set out in this ordinance.

Section 6. Effective Date. In accordance with RCW 35A13.190, this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon its adoption.

0867-ORD
05/25/06

ORIGINAL

Passed by the City Council this 5 day of June, 2006 and signed in authentication of its passage this 5 day of June, 2006.

(SEAL)

Grant Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Siona D. Windsor, Assistant City Attorney

Attest:

Michelle Murphy

Myrna L. Basich, City Clerk
Deputy City Clerk
Published June 9, 2006