

2420
4-28-77

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2420

AN ORDINANCE relating to damage claims against the City, repealing Chapter 4.36 of the Bellevue City Code and Ordinance No. 146, as amended, and adopting a new Chapter 4.36 of the Bellevue City Code.

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

Section 1. Chapter 4.36 of the Bellevue City Code and Ordinance No. 146, as amended, are each hereby repealed.

Section 2. There is hereby adopted a new Chapter 4.36 of the Bellevue City Code to read as follows:

CHAPTER 4.36

DAMAGE CLAIMS AGAINST THE CITY

4.36.010 PLACE FOR FILING CLAIMS

4.36.020 REPORT AND REQUISITES OF CLAIM

4.36.030 CITY PROCEDURE

4.36.040 PROCEDURES MANDATORY

4.36.050 FILING CLAIM WITH CITY CLERK MANDATORY

4.36.060 SEVERABILITY

4.36.010 PLACE FOR FILING CLAIMS. Claims for damages against the City of Bellevue shall be filed with the City Clerk. The City Clerk shall immediately forward copies of such claims to the City Attorney and the City's Insurance Agent.

4.36.020 REPORT AND REQUISITES OF CLAIM. All such claims for damages must accurately locate and describe the defect that caused the injury, reasonably describe the injury and state the time when it occurred, contain the item of damages claimed and be verified by the claimant or a relative, attorney or agent of the claimant.

4.36.030 CITY PROCEDURE. If a claim is determined not to be covered by insurance, the City Attorney shall request the appropriate City Department to investigate and prepare a report of its findings. Based on these findings, the City Attorney shall make a recommendation to the Audit Committee of the City Council. The Audit Committee of the City Council shall determine whether to reject or to

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pay any such claim, or a portion thereof. Any payments of \$5,000.00 or over must first be approved by the City Council at a regularly scheduled Council meeting. The Council hereby authorizes the Council Audit Committee to approve any payment under \$5,000.00 as it deems advisable and legal. Such determination shall be final unless legal action against the City is instituted. The Audit Committee shall report to the Council the status of claims as requested by the Council.

4.36.040 PROCEDURES MANDATORY. No claim for damages against the City 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.

4.36.050 FILING CLAIM WITH CITY CLERK MANDATORY. No action shall be maintained against the city for any claim for damages until sixty days have elapsed after filing of such claim with the City Clerk.

4.36.060 SEVERABILITY. If any provision of this Chapter, or its application to any person or circumstance is held invalid, the remainder of this Chapter, or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall take effect and be in force thirty (30) days after enactment by the council.

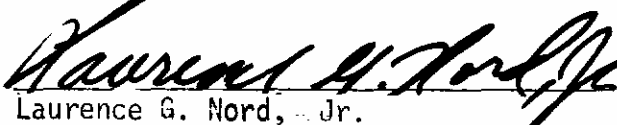
PASSED by the City Council this 2 day of May, 1977, and signed in authentication of its passage this 2 day of May, 1977.

(SEAL)




M. F. Vanik, Mayor

Approved as to form:



Laurence G. Nord, Jr.

Attest:



Patricia K. Weber, City Clerk

Published: May 7, 1977