

**RESOLUTION NO. 1397**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON**, relating to Claims for Damages, appointing Acceptance Agents for Claim for Damages filed against the City pursuant to chapter 4.96 RCW, and superseding Resolution No. 1382.

**WHEREAS**, chapter 4.96 RCW sets forth the procedures for presenting Claims for Damages arising out of the tortious conduct of local governmental entities, including cities, or the tortious conduct of their past or present officers, employees or volunteers while performing or in good faith purporting to perform their official duties, and

**WHEREAS**, RCW 4.96.020 requires local governmental entities to appoint an agent to receive any Claims for Damages made under chapter 4.96 RCW, and

**WHEREAS**, Des Moines Resolution No. 1382, passed by the City Council on April 26, 2018, appointing Acceptance Agents for Claims for Damages, requires updating; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:**

**Sec. 1.** In accordance with RCW 4.96.020, the City Council hereby appoints:

Bonnie Wilkins, CMC, City Clerk/Communications Director  
21630 11th Ave So., Suite A  
Des Moines, WA 98198

and in the absence of the City Clerk/Communications Director, the following as alternates:

Taria Keane  
Deputy City Clerk  
21630 11th Ave So., Suite A  
Des Moines, WA 98198

Sara Lee  
Public Records Analyst  
21630 11th Ave So., Suite A  
Des Moines, WA 98198

to act as the Agents to receive any Claim For Damages made under chapter 4.96 RCW.

**Sec. 2.** In accordance with RCW 4.96.020, the City Council hereby adopts the following procedures for presenting Claims for Damages made under chapter 4.96 RCW:

(1) **Recording Information with Auditor.** The identity of the Agent(s) and the address where the Agent(s) may be reached during normal business hours of the City shall be recorded by the City with the auditor of King County (the "Auditor").

(2) **Procedure for Presenting Claims.** All Claims for Damages made under chapter 4.07 RCW shall be presented personally to the Agent(s) at the address and within the business hours recorded with the Auditor, from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays, and shall be presented within the applicable period of limitations in which such an action must commenced.

(3) **Content of Claim.** All Claims for Damages arising out of tortious conduct shall locate and describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damage claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim for a period of six (6) months immediately prior to the time the claim arose.

(4) **Notice Period.** No action shall be commenced against the City for damages arising out of tortious conduct until sixty (60) days have elapsed after the Claim has first been presented and filed in accordance with chapter 4.96 RCW and this Resolution.

**Sec. 3.** Resolution No. 1382 is superseded by this Resolution.

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Resolution No. 1397  
Page 3 of 3

**ADOPTED BY** the City Council of the City of Des Moines, Washington this 9th day of May, 2019 and signed in authentication thereof this 9th day of May, 2019.

  
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M A Y O R

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk/Communications Director