

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

AMENDING ISLAND COUNTY CODE
CHAPTER 2.32 DAMAGE CLAIMS
PROCEDURES

ORDINANCE NO. C- **27** -23

WHEREAS, Island County last updated its damage claims procedures and requirements in December 2020; and

WHEREAS, the damage claims procedures require updating to reflect settlement authority granted by the Board of Island County Commissioners to the County Administrator; and

WHEREAS, the damage claims procedures require updating to increase the settlement authority of the County Risk Manager; NOW, THEREFORE, BE IT RESOLVED:

IT IS HEREBY ORDAINED that the Board of Island County Commissioners enact amendments to Island County Code Chapter 2.32 as provided in Attachment A to this document.

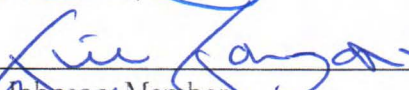
FURTHER, IF ANY SECTION, subsection, sentence, clause, phrase, or other portion of this ordinance or its application to any person or entity, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

ADOPTED this **23rd** day of **May**, 2023, following a public hearing.

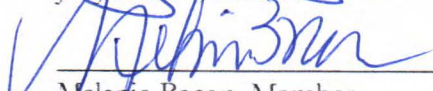
BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON



Janet St. Clair, Chair




Jill Johnson, Member



Melanie Bacon, Member

Ordinance No. C- -23
Chapter 2.32 ICC – Damage Claims Procedures

ATTEST:


Jennifer Roll,
Clerk of the Board



APPROVED AS TO FORM:



Pete Smiley
Civil Deputy Prosecuting Attorney and
Island County Code Reviser

Ordinance No. C- -23
Chapter 2.32 ICC – Damage Claims Procedures

EXHIBIT A
Amendments to ICC 2.32

TITLE II – ADMINISTRATION AND PERSONNEL

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Chapter 2.32 – Damage Claim Procedures

2.32.010 Claim for damages form, availability.

The county risk manager shall maintain an Island County standard tort claim form and standard tort claim packet with instructions on how the form is to be presented, which conform with the requirements of RCW 4.96.020. The county risk manager shall supply a copy of the standard tort claim form and packet to any person upon request. All claims for damages against Island County, its officers, employees, or volunteers, involving injuries from health care are governed solely by the procedures set forth in Chapter 7.70 RCW and are exempt from chapter 2.32.

(Res. R-35-75, July 14, 1975, vol. 15, p. 361; amended by Ord. C-83-91, May 13, 1991, vol. 32, p. 359; amended by Ord. C-60-97, November 17, 1997, vol. 41, p. 194; amended by Ord. C-04-10, January 11, 2010, vol. 2010, p. 5)

(Ord. No. C-97-20, Att. A, 12-1-2020)

2.32.020 Reserved.

Ord. No. C-97-20, Att. A, adopted Dec. 1, 2020, repealed former § 2.32.020 which pertained to prohibition, and derived from Res. R-35-75, adopted July 14, 1975, vol. 15, p. 361.

2.32.030 Receipt and referral of claims.

- A. All claims shall be completed on the form provided by the county (additional documents relating to the claim may be attached to the claim form) and filed with the county risk manager.
- B. The county risk manager shall receive and file all damage claims. The name and business address where the risk manager may be reached during normal business hours shall be recorded with the county auditor. The risk manager shall furnish a copy of the claim to the head of the department allegedly responsible. When appropriate, the risk manager shall also submit the claim to an insurer.

(Res. R-35-75, July 14, 1975, vol. 15, p. 361; amended by Res. C-05-88, February 1, 1988, vol. 28, p. 7; amended by Ord. C-83-91, May 13, 1991, vol. 32, p. 359; amended by Ord. C-60-97, November 17, 1997, vol. 41, p. 194; amended by Ord. C-78-01, July 2, 2001, vol. 45, p. 369)

(Ord. No. C-97-20, Att. A, 12-1-2020)

2.32.040 Investigation.

The county risk manager shall investigate the claim, and may retain outside professional claims service assistance, when necessary. Formal reports concerning any claim will be requested from all interested departments.

(Res. R-35-75, July 14, 1975, vol. 15, p. 361; amended by Res. C-05-88, February 1, 1988, vol. 28, p. 7; amended by Ord. C-83- 91, May 13, 1991, vol. 32, p. 359)

(Ord. No. C-97-20, Att. A, 12-1-2020)

2.32.050 Approval of claims for minor damages to property only for five ten thousand dollars (~~\$5,000.00-10,000~~) or less—County risk manager.

If following investigation of a claim for minor damages to property only and a determination that the claim or a portion thereof should be approved for a total sum [of] ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000) or less, the county risk manager shall, upon receipt of a properly executed release approved by the prosecuting attorney, have authority to approve payment of the claim.

(Res. R-35-75, July 14, 1975, vol. 15, p. 361; amended by Ord. C-83-91, May 13, 1991, vol. 32, p. 359; amended by Ord. C-35-08, May 5, 2008, vol. 2008, p. 163)

(Ord. No. C-97-20, Att. A, 12-1-2020)

Ord. No. C-97-20, Att. A, adopted Dec. 1, 2020, changed the title of § 2.32.050 from "Approval, rejection or referral" to read as herein set out.

2.32.060 – Reserved. Approval of claim settlement for one hundred thousand dollars or less – County Administrator.

If following investigation of a claim not subject to ICC 2.32.050 and a determination that the claim or a portion thereof should be approved for a total sum [of] one hundred thousand dollars (\$100,000.00) or less, the county administrator shall, upon receipt of a properly executed release approved by the prosecuting attorney, have authority to approve payment of the claim.

2.32.060 2.32.070 Reserved.

Ord. No. C-97-20, Att. A, adopted Dec. 1, 2020, repealed former § 2.32.060 which pertained to notification, and derived from Res. R-35-75, adopted July 14, 1975, vol. 15, p. 361; Ord. No. C-83-91, adopted May 13, 1991, vol. 32, p. 359; and Ord. No. C-60-97, adopted Nov. 17, 1997, vol. 41, p. 194.

~~2.32.070~~ 2.32.080 Reserved.

Ord. No. C-97-20, Att. A, adopted Dec. 1, 2020, repealed former § 2.32.070 which pertained to payment of approved claim, and derived from Res. R-35-75, adopted July 14, 1975, vol. 15, p. 361.

~~2.32.080~~ 2.32.090 Time for filing claim.

All claims for damages against Island County, or any Island County officer or employee, must be filed with the county risk manager within the period specified in the appropriate statute of limitations.

(Ord. C-83-91, May 13, 1991, vol. 32, p. 359; amended by Ord. C-60-97, November 17, 1997, vol. 41, p. 194)

(Ord. No. C-97-20, Att. A, 12-1-2020)

~~2.32.090~~ 2.32.100 Time for commencement of lawsuit.

No lawsuit or other action shall be commenced against Island County or any Island County officer or employee for damages until sixty (60) days have elapsed after the claim for damages is presented to and filed with the county risk manager. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty-day period.

(Ord. C-83-91, May 13, 1991, vol. 32, p. 359; amended by Ord. C-60-97, November 17, 1997, vol. 41, p. 194)

(Ord. No. C-97-20, Att. A, 12-1-2020)

~~2.32.100~~ 2.32.110 Severability.

If any provision of this chapter, or its application to any person or legal entity or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or legal entities or circumstances shall not be affected.

(Ord. C-83-91, May 13, 1991, vol. 32, p. 359)

Chapter 2.32 Damage Claims Procedures

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If following investigation of a claim for minor damages to property only and a determination that the claim or a portion thereof should be approved for a total sum [of] ten thousand dollars (\$10,000) or less, the county risk manager shall, upon receipt of a properly executed release approved by the prosecuting attorney, have authority to approve payment of the claim.

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2.32.080 Reserved.

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