

Resolution #623

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT APPOINTING
AN AGENT FOR THE RECEIPT OF CLAIMS FOR DAMAGES PURSUANT TO RCW 4.96**

Whereas, the Town of Yacolt, (hereafter “*Town*” or “*Yacolt*”) is a local government entity as defined by RCW 4.96.010 which allows certain claims for damages to be filed against local government entities;

Whereas, RCW 4.96.020 requires all local governmental entities to appoint an agent to receive any claim for damages made under RCW 4.96;

Whereas, RCW 4.96.020 requires that all claims for damages against a local governmental entity or against any local governmental entity’s officers, employees, or volunteers, acting in such capacity, must be presented to the agent within the applicable period of limitations within which an action must be commenced;

Whereas, the identity of the agent and the address where he or she may be reached during the normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located;

Whereas, pursuant to RCW 4.96.010, filing a claim for damages within the time allowed by law is a condition precedent to the commencement of any action for damages against a local government entity;

Whereas, the failure of a local governmental entity to comply with the requirements of RCW 4.96.020 precludes that local governmental entity from raising certain defenses under RCW 4.96;

Whereas, local government entities shall make available a standard tort claim form including the name, address and business hours of the agent, with instructions on how the form is to be presented;

Whereas, a claim is deemed presented when the claim form is delivered in person or is received by the agent when mailed by regular mail, registered mail, or certified mail with return receipt requested; and,

Whereas, the Town Council is in regular session this 12th day of February, 2024, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Yacolt as follows:

Section 1 – Designation of Agent for Receipt of Claims: The Town Council hereby appoints the Yacolt Town Clerk as the Town’s Agent to receive any claims for damages made against the Town pursuant to RCW Chapter 4.96:

<u>Agent Appointed:</u>	Yacolt Town Clerk
<u>Current Town Clerk:</u>	Stephanie Fields
<u>Office Address:</u>	P.O. Box 160 / 202 W. Cushman Street, Yacolt, WA 98675
<u>Business Hours:</u>	Monday – Thursday, 9:00 a.m. to 5:00 p.m., (excluding official holidays)

Section 2 – Presenting Claims to the Agent: Claims for damages against the Town of Yacolt shall be deemed presented if served on the Town’s Agent by any of the following methods: 1). Personal

delivery to the Agent at Yacolt Town Hall, 202 W. Cushman Street, Yacolt, Washington; or, 2). Receipt by the Agent of the claim by regular mail, registered mail, or by certified mail, with return receipt requested, at P.O. Box 160, Yacolt, WA 98675.

Section 3 – Use of Yacolt’s Standard Tort Claim Form is Required: All claims against the Town shall be presented to the Agent on a Standard Tort Claim Form that is maintained by the Town. The Standard Tort Claim Form is available to claimants upon request together with instructions on how the form is to be presented.

Section 4 – Resolution to be Recorded: This Resolution is a public record subject to inspection and copying, and will be recorded with the Clark County Auditor’s Office soon after its adoption.

Section 5 - Instructions to the Town Clerk: The Town Clerk is directed to perform the following tasks:

- a). Cause the fully-executed Resolution to be recorded with the Clark County Auditor’s Office; and,
- b). Promptly post a copy of this Resolution on the Town’s website for public inspection.

Section 6 – Conflicting Resolutions Repealed: All previous resolutions or parts of resolutions in conflict with Section 1 of this Resolution are hereby repealed.

Section 7 – Effective Date: This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law. The Town Clerk may publish the following summary of this Resolution:

Town of Yacolt - Summary of Resolution #623

The Town Council of the Town of Yacolt adopted Resolution #623 at a regular meeting of the Town Council held on February 12, 2024. The content of the Resolution is summarized in its title as follows: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT APPOINTING AN AGENT FOR THE RECEIPT OF CLAIMS FOR DAMAGES PURSUANT TO RCW 4.96.

The effective date of the Resolution is February 12, 2024. A copy of the full text of the Resolution will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 21st day of February, 2024.
Yacolt Town Clerk.

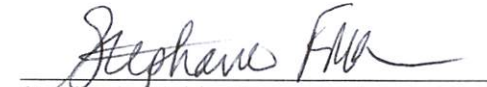
Resolved by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 12th day of February, 2024.

TOWN OF YACOLT



Ian Shealy, Mayor

Attest:


Stephanie Fields, Town Clerk

Approved as to Form:


David W. Ridenour, Town Attorney

Ayes: Wizniewski, Peto, Homola, Viray
Nays: Ø
Absent: Carroll
Abstain: Ø

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of Resolution #623 of the Town of Yacolt, Washington, entitled "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT APPOINTING AN AGENT FOR THE RECEIPT OF CLAIMS FOR DAMAGES PURSUANT TO RCW 4.96" as approved according to law by the Yacolt Town Council on the date therein mentioned.

Attest:


Stephanie Fields, Town Clerk

Adopted: February 12, 2024

Published: _____

Effective Date: February 12, 2024

Resolution Number: 623