

MODEL RESOLUTION FOR PRESENTING CLAIMS FOR TORTIOUS CONDUCT

**Public Hospital District No. _____,
_____ County, Washington**

Resolution No. _____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF PUBLIC HOSPITAL DISTRICT NO. ____, _____ COUNTY, WASHINGTON (THE "DISTRICT"), APPROVING AND ADOPTING PROCEDURES FOR PRESENTING CLAIMS FOR DAMAGES ARISING OUT OF THE TORTIOUS CONDUCT OF THE DISTRICT OR ITS OFFICERS, EMPLOYEES OR VOLUNTEERS.

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 public hospital districts, 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, as amended by Chapter 119, Laws of 2001, requires local governmental entities to appoint an agent to receive any claim for damages made under Chapter 4.96 RCW;

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF PUBLIC HOSPITAL DISTRICT NO. ____, _____ COUNTY WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. In accordance with RCW 4.96.020, as amended by Chapter 119, Laws of 2001, the Board of Commissioners hereby appoints _____ [*insert title of position of person who will serve as agent such as "the Administrative Assistant to the Superintendent of the District"*] to act as an agent (the "Agent") to receive any claim for damages made under Chapter 4.96 RCW. The _____ [*insert title of position of person who will serve as deputy agent*] is hereby appointed to act as a deputy agent ("Deputy Agent") to serve in the place of the Agent if Agent is unavailable to perform his or her duties.

Section 2. In accordance with RCW 4.96.020, the Board of Commissioners hereby adopts the following procedures for presenting claims for damages made under Chapter 4.96 RCW:

(a) Recording Information with Auditor. The identity of the Agent and Deputy Agent and the address where they may be reached during the normal business hours of the District shall be recorded by the District with the auditor of the county (the "Auditor") in which the District is located.

(b) Procedure for Presenting Claims. All claims for damages made under Chapter 4.96 RCW shall be presented personally to the Agent or Deputy Agent at the address and within the business hours recorded with the Auditor and shall be presented within the applicable period of limitations for which an action must be commenced.

(c) 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 actual residence of the claimant at the time of presenting and filing the claim for a period of six months immediately prior to the time the claim arose.

(d) Alternative Representative of Claimant. If claimant is incapacitated from verifying, presenting and filing the claim in the time prescribed, or if the claimant is a minor, or if the claimant is a non-resident of the state absent therefrom during the time within which the claim was required to be filed, the claim may be verified, presented and filed on behalf of the claimant by any relative, attorney or agent representing the claimant.

(e) Notice Period. No action shall be commenced against the District for damages arising out of tortious conduct until sixty days have elapsed after the claim has first been presented to and filed in accordance with Chapter 4.96 RCW and this resolution.

ADOPTED AND APPROVED by the Commission of Public Hospital District No. _____, _____ County, Washington, at a regular open public meeting thereof held this ___ day of _____, 2001, the following Commissioners being present and voting in favor of this resolution.

President and Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Secretary and Commissioner