

ORDINANCE NO. 1508

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE PERTAINING TO CLAIMS PRESENTATION PROCEDURES AND CLAIMS AGAINST THE CITY

The City Council of the City of Arcata does ordain as follows:

Section 1: Chapter 11 (Claims Presentation Procedures), Sections 3020 and 3025 of Title II (Administration) of the Arcata Municipal Code is hereby repealed and replaced with the following Chapter 11 (Claims Against the City), Sections 3020, 3021, 3022, and 3023 of Title II (Administration):

TITLE II—Administration Chapter 11—Claims Against the City

Sec. 3020. Presentation of claims.

Except as provided in Sections 946.4 and 946.6 of Part 3 of the California Government Code, Title 1, Division 3.6, commencing with Section 900, entitled “Claims Against Public Entities,” no suit for money or damages may be brought against the City on a cause of action for which a claim is required to be presented in accordance with the provisions of said Claims Against Public Entities until a written claim has been presented to the City and has been acted upon by the City Council, or has been deemed to have been rejected by the City Council, in accordance with the State law provisions and this Chapter.

Sec. 3021. Form and Contents of Claim.

All claims shall be in writing, shall be signed and presented by the claimant, or by a person acting on the claimant’s behalf, to the City Clerk, and shall conform to requirements of the State Claims Against Public Entities provisions and this Chapter. The claim shall contain all information required by Government Code Section 910.

Sec. 3022. Time limitation for presentation of claims.

Pursuant to Government Code Section 911.2, all claims shall be presented within the following time limitations:

A. Claims relating to a cause of action for death, injury to person or to personal property shall be presented within six months after the accrual of the cause of action.

B. Claims relating to any other cause of action shall be presented within one year after the accrual of the cause of action.

Sec. 3023. Authority of City Manager.

Pursuant to Government Code Section 935.4, the City Council hereby delegates to the City Manager, or his or her designee, the following authority for administering claims against the City:

A. Sufficiency of Claim. The authority to review all presented claims for sufficiency, and to return any claims that do not meet the sufficiency requirements of the State Claims Against Public Entities provisions. Written notice stating that the claim is deficient may be given within 20 days of receipt of the claim, shall state with particularity the defects or omissions, and shall be personally delivered or mailed to the claimant. The City may not act upon the claim until at least 15 days after such notice is sent.

B. Timeliness of Claim. The authority to review all presented claims for timeliness, and to return any claims that do not meet the timeliness requirements of the State Claims Against Public Entities provisions. Written notice stating that the claim was not timely and is being returned without further action made may be given within 45 days after the claim is presented. Said notice shall be substantially in the form prescribed by Government Code Section 911.3.

C. Rejection of Claims. The authority to reject all claims in an amount up to and including \$25,000. The City Council shall have sole authority to reject claims for an amount in excess of \$25,000.

D. Claims Settlement. The authority to allow, compromise, or settle any claim in an amount up to and including \$25,000. The City Council shall have sole authority to allow, compromise, or settle claims for an amount in excess of \$25,000.

E. Extension of time to Act. The City Manager shall allow, reject, settle or compromise a claim as authorized by this Section within 45 days after the claim has been presented pursuant to Government Code Section 912.4. Such 45-day period may be extended by written agreement of the claimant and the City Manager. If the claim is not acted on within 45 days, it shall be deemed to have been rejected on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement.

SEC. 3024. Limitation of Actions.

Any action brought against the City on a claim after it has been presented to and acted upon by the City shall be subject to the limitations of actions provisions of Government Code Sections 945.6 and 946.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 4: This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it implements existing laws and can be seen with certainty that there is no possibility that such implementation may have a significant effect on the environment.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: October 3, 2018

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Sofia Pereira
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1508, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the 3rd day of October, 2018, by the following vote:

AYES: **PEREIRA, WATSON, ORNELAS, PITINO, WINKLER**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Bridget Dory
City Clerk, City of Arcata