

ORDINANCE NO. 2811

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTER 3.09 OF
THE REDLANDS MUNICIPAL CODE RELATING TO LOCAL GOVERNMENT
CLAIMS

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS
FOLLOWS:

Section 1. Chapter 3.09, entitled "Local Government Claims," of the Redlands
Municipal Code is hereby amended as follows:

"CHAPTER 3.09

Local Government Claims and City-Initiated Claims

- 3.09.010: AUTHORITY:
- 3.09.020: CLAIMS PRESENTATION; PREREQUISITE FOR BRINGING SUIT:
- 3.09.030: CLAIMS PRESENTATION; STATUTORY AUTHORITY:
- 3.09.040: STATUTE OF LIMITATIONS:
- 3.09.050: SUITS PROHIBITED WHERE FULL PAYMENT OR COMPROMISE EFFECTED:
- 3.09.060: TIME LIMITATIONS:
- 3.09.070: LATE FILING:
- 3.09.080: DISPOSITION OF CLAIMS:
- 3.09.090: AUTHORITY TO COMPROMISE PENDING CLAIMS:
- 3.09.100: SUIT:
- 3.09.110: CITY-INITIATED CLAIMS

3.09.010: Authority. This chapter is enacted pursuant to section 935 of the California Government Code.

3.09.020: Claims Presentation; Prerequisite For Bringing Suit. No suit for money or damages may be brought against the city until a written claim therefor has been presented to, and rejected by, the city in conformity with the provisions of general state law relating to claims against public entities and this chapter. Pursuant to the authority of Government Code section 935, all claims against the city shall be subject to this requirement, including those claims otherwise exempt from claim filing requirements under Government Code section 905, except where the claims are governed by other statutes or regulations relating expressly thereto.

3.09.030: Claims Presentation; Statutory Authority: Those claims governed by section 3.09.020 of this chapter shall be filed with the city clerk in accordance with, and in the manner provided for in part 3 (commencing with section 900), division 3.6, title 1 of the Government Code.

A. A claim shall be presented in writing on a form authorized and provided by the city, or in a written form which satisfies the requirements of Government Code sections 910 and 910.2.

B. The city manager, or the city manager's designee with the concurrence of the city attorney, is authorized to extend, by agreement with the claimant, the time within which a claim may be considered for purposes of payment or compromise.

3.09.040: Statute of Limitations: Any suit brought against the city for which a claim is required to be presented in accordance with section 3.09.020 of this chapter must be commenced within the period prescribed by Government Code section 945.6.

3.09.050: Suits Prohibited Where Full Payment or Compromise Effected: Where a claim that is required to be presented to the city in accordance with this chapter is so presented and action thereon is taken:

A. If the claim is allowable in full and the claimant accepts the amount allowed, no suit may be maintained on any part of the cause of action to which the claim relates;

B. If the claim is allowed in part and the claimant accepts the amount allowed, no suit may be maintained on that part of the cause of action which is represented by the allowed portion of the claim; and

C. If the claim is allowed in part and the claimant accepts the amount allowed, no suit may be maintained on any portion of the cause of action where, pursuant to requirement of such effect, the claimant has accepted the amount allowed in settlement of the entire claim.

3.09.060: Time Limitations: Claims shall be presented in accordance with the time limitations set forth in Government Code section 911.2. In addition, pursuant to Government Code section 901, any claim against the city for equitable indemnity shall be presented not later than six (6) months after the date upon which a defendant is served with the complaint giving rise to the defendant's claim for a cause of action for equitable indemnity or partial equitable indemnity against the city.

3.09.070: Late Filing: In accordance with Government Code section 935, the late filing of a claim pursuant to this chapter is governed by section 911.4, and sections 911.6 through 912.2 inclusive, of the Government Code.

3.09.080: Disposition of Claims:

A. All claims, regardless of how presented, shall be forwarded to the city manager's designee for review. The city manager's designee, upon receipt of a claim, may request an investigation by the city department which has jurisdiction over the matter or property giving rise to the claim. The appropriate department shall submit a report with respect to the circumstances of the claim and its recommendation thereon to the city attorney. The

city attorney shall review the claim and determine whether the claim substantially complied with Government Code sections 910 and 910.2, and then make recommendation on the claim and the department's report to the city manager's designee.

B. Pursuant to Government Code section 935.4, the city council hereby authorizes the city manager, his or her designee, and the city attorney to reject any and all claims filed with the city. The city manager's designee, with the concurrence of the city manager, shall have the discretion to take any claim to the city council for action or compromise such claim in accordance with section 3.09.090 of this chapter.

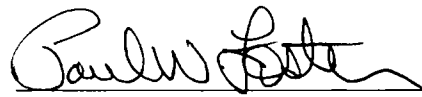
3.09.090: Authority to Compromise Pending Claims: Pursuant to Government Code section 949, the city council may compromise and claim filed with the City. The City Council further delegates the authority to the city manager and city attorney to compromise any pending claim as follows:

City manager's designee	\$5,000.00 or less;
City manager's designee, with concurrence of city manager and city attorney	\$7,500.00 or less.

3.09.100: Suit: Any action brought against the city upon any claim or demand shall conform to the requirements of sections 940 through 949 of the Government Code. Any action brought against any employee of the city shall conform with the requirements of sections 950 through 951 of the Government Code.

3.09.110: City-initiated claims: The city manager, his or her designee, and the city attorney may compromise and settle any claim, demand or lawsuit initiated by the city against any person, organization or entity for damages to personal or real property of the city for the amounts set forth in section 3.09.090 of this chapter. The city manager's designee, with the consent of the city manager, may present any such claim, demand or lawsuit to the city council for action."

Section 2. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect as provided by law.


Paul W. Foster Mayor

ATTEST:


Sam Irwin, City Clerk

I, Sam Irwin, City Clerk, City of Redlands, hereby certify that the foregoing Ordinance was duly adopted by the City Council at the regular meeting thereof, held on the 17th day of February 2015, by the following vote:

AYES: Councilmembers Harrison, Gilbreath, Barich, James; Mayor Foster

NOES: None

ABSENT: None

ABSTAIN: None



Sam Irwin, City Clerk