

ORDINANCE NO. 10-354

**AN ORDINANCE OF THE CITY OF LOS ALTOS REPEALING
CHAPTER 3.08 IN ITS ENTIRETY AND BY AMENDING CHAPTER
1.40 TO ADD A NEW SECTION 1.40.040 ENTITLED "PROCESSING
CLAIMS AGAINST THE CITY"**

WHEREAS, Government Code Section 900 *et seq.*, is the statutory authority for the processing of claims filed against public entities known as the "Government Claims Act"; and

WHEREAS, Government Code section 935.4 allows the City Council, by ordinance or resolution, to authorize certain public employees to process claims seeking damages that do not exceed fifty thousand dollars (\$50,000); and

WHEREAS, the City Council wishes to utilize the administrative efficiency that will result from allowing City staff to process and resolve claims seeking damages that do not exceed fifty thousand dollars (\$50,000); and

WHEREAS, this Ordinance amends the Los Altos Municipal Code to provide that the City Manager, or his or her designee, with the concurrence of the City Attorney, may allow, allow in part, compromise, settle, or reject a claim, without prior Council approval, claims that do not exceed fifty thousand dollars (\$50,000); and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW, THEREFORE, The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. Chapter 3.08, entitled "Claims against the City," Sections 3.08.010 through 3.08.040, is hereby repealed in its entirety.

SECTION 2. Chapter 1.40 entitled "Tort Claim Filing Requirements" is amended by re-naming the Chapter to read "Government Claim Filing Requirements."

SECTION 3. Chapter 1.40, Section 1.40.010 is hereby repealed in its entirety and replaced with a new Section 1.40.010 to read as follows:

"1.40.010 Authority.

This chapter is enacted pursuant to California Government Code section 900 *et seq.*, as those provisions now exist or shall hereafter be amended, and as further provided by this chapter."

SECTION 4. Chapter 1.40, Section 1.40.015 is hereby amended to replace "Tort Claims Act" with "Government Claims Act" and the remaining provisions of Section 1.40.015 shall remain in full effect.

SECTION 5. Chapter 1.40 is amended to add a new Section 1.40.040 to read as follows:

“1.40.040 Processing of claims against the City.

- A. The City Manager, or his or her designee, shall act on all claims filed against the City as specified in Government Code section 900 *et seq.*
- B. The City Manager, or his or her designee, and with the concurrence of the City Attorney, shall be authorized to allow, allow in part, compromise, settle or reject, without prior approval of the City Council, claims against the City provided that no authority is given to allow, allow in part, compromise, or settle any such claim if the amount to be paid pursuant to such allowance, compromise, or settlement exceeds fifty thousand dollars (\$50,000).

If the City Manager and the City Attorney do not agree to allow, allow in part, compromise, settle or reject any claim against the City, said claim will be brought to the City Council for its authorization to allow, allow in part, compromise, settle or reject it.

- C. Upon written order of the City Manager, or his or her designee, and with concurrence of the City Attorney, the Finance Director shall cause to be issued a warrant upon the treasury of the City in the amount for which a claim has been allowed, allowed in part, compromised, or settled. The City Council shall be notified within the (10) days of the acceptance or rejection of any claim pursuant to this section and with ten (10) days of the claimant’s acceptance of any settlement proposed pursuant to this section.”

SECTION 6. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 7. PUBLICATION. This Ordinance shall be published as provided in Government Code Section 36933.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

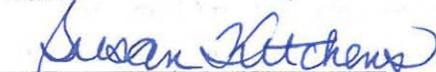
The foregoing Ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on July 27, 2010 and was thereafter, at a regular meeting held on August 24, 2010 passed and adopted by the following vote:

AYES:	SATTERLEE, CARPENTER, PACKARD, BECKER, CASAS
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE



David C. Casas, MAYOR

Attest:


Susan Kitchens, CITY CLERK

Date: August 24, 2010