

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: November 16, 2020
Reviewed by: NA

SUBJECT: Proposed Code Amendments to Albany Municipal Code Section
2-28.1 Claims for Money or Damage – First Reading

REPORT BY: Anne Hsu, City Clerk
Nicole Almaguer, City Manager
Mala Subramanian, City Attorney

SUMMARY

This report provides information for the City Council to consider proposed amendments to Albany Municipal Code Section 2-28.1 Claims for Money or Damage.

STAFF RECOMMENDATION

That the Council introduce for first reading Ordinance No. 2020-14 amending Albany Municipal Code Section 2-28.1 Claims for Money or Damage.

BACKGROUND/DISCUSSION

Section 2-28.1 of the Albany Municipal Code specifies the procedures for processing claims against the City for money or damages that are exempted by Government Code Section 905 and are not governed by any other statutes or regulations expressly related thereto. The last amendment to this code section was in 1994 adding relevant Government Code Sections.

Typically, when this type of claim is filed against the City, it is forwarded to City's 3rd party claim administrator, Acclamation Insurance Management Services (AIMS), for review, investigation, and to make a recommendation to the City to reject or accept the claim. In 2012, the City Council took policy action to authorize the City Manager to settle liability or worker's compensation insurance claims up to \$25,000, and in consultation with the City Attorney, reject any and all claims. Further, per Government Code Section 949, "The governing body of a local public entity may compromise, or may delegate the authority to its attorney or an employee to compromise, any pending action."

Based on the recommendation of the City Attorney, an amendment to Albany Municipal Code Section 2-28.1 is proposed to bring the code in synch with current procedures, with the City Council designating an employee such as the City Manager to act upon or reject claims.

FINANCIAL CONSIDERATIONS

N/A

Attachments

1. Ordinance No. 2020-14

1 section 946.6 are applicable to all such claims, and the time specified in the agreement
2 shall be deemed the "time specified in section 911.2" within the meaning of sections
3 911.6 and 946.6.”

4 **SECTION 2. SEVERABILITY.**

5 If any provision of this Ordinance or the application thereof to any person or circumstance
6 is held invalid, such invalidity shall not affect other provisions or applications, and to this
7 end, the provisions of this Ordinance are declared to be severable.

8 **SECTION 3: PUBLICATION AND EFFECTIVE DATE.**

9 This Ordinance shall be posted at three public places within the City of Albany
10 and shall become effective thirty days after the date of its posting.

11 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
12 the ___ day of December, 2020, by the following vote:

13
14 AYES:

15 NOES:

16 ABSENT:

17 ABSTAIN:
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22 _____
23 NICK PILCH, MAYOR
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