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	ORDINANCE NO. 2020-14
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3	AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING ALBANY MUNICIPAL CODE SECTION 2-28.1 CLAIMS FOR MONEY OR DAMAGE
5	WHEREAS, the Government Code allows the City Council to designate an employee to act upon or reject claims; and
6 7	WHEREAS, the City Council has adopted Resolution No. 2019-56, which allows the City Manager to settle claims up to \$25,000 and reject claims; and
8 9 10	WHEREAS , amending Albany Municipal Code section 2-28.1 would allow the City Council to designate an employee, such as the City Manager to act upon or reject claims.
11	THE COUNCIL OF THE CITY OF ALBANY DOES ORDAIN AS FOLLOWS:
12 13	SECTION 1: AMEND SECTION 2-28.1 OF THE ALBANY MUNICIPAL CODE ENTITLED "CLAIMS FOR MONEY OR DAMAGE" AS FOLLOWS:
14	"§ 2-28.1 Claims for Money or Damage.
15 16 17 18 19 20 21	Pursuant to the authority granted by section 935 of the Government Code of the State of California, claims against the City for money or damages which are exempted by Government Code Section 905 from Chapter 1 and Chapter 2 of Part 3 of Division 3.6 of Title I of the Government Code of the State of California, and which are not governed by any other statutes or regulations expressly related thereto shall be governed by this subsection. A claim relating to such a cause of action shall be presented within the time and limitations and in the manner prescribed by Section 910 through 915.2 of the Government Code of the State of California. Such claims shall be presented and processed as provided by Chapters 1 and 2 of Part 3 of Division 3.6 of Title I of the Government Code insofar as the provisions are not in conflict with this subsection. No suit for money or damages may be brought against the City until a written claim
22232425	therefor has been presented to the City Council and has been acted upon or has been deemed to have been rejected by the City Council or an employee as designated by the City Council by resolution, in accordance with this subsection, and shall further be subject to the provisions of Section 945 through 946 of the Government Code of the State of California relating to the prohibition of suits in the absence of the presentation of claims and actions thereupon by the City Council.
26 27 28	Pursuant to Chapter 5 of Part 3 of Division 3.6 of Title I of the Government Code, written agreements entered into by or in behalf of the City may provide all claims arising out of or related to the agreement must be presented not later than six (6) months after the accrual of the cause of action. Such claims shall be governed by the provisions of this subsection and such claims shall further be governed by the provisions of section 930.4 of the Government Code for the purposes of filing leave to present a late claim. It is further

provided that subdivision (b) of section 911.4, sections 911.6 to 912.2, inclusive, and

1	section 946.6 are applicable to all such claims, and the time specified in the agreement shall be deemed the "time specified in section 911.2" within the meaning of sections 911.6 and 946.6."
2	SECTION 2. SEVERABILITY.
3	If any provision of this Ordinance or the application thereof to any person or circumstance
5	is held invalid, such invalidity shall not affect other provisions or applications, and to this
6	end, the provisions of this Ordinance are declared to be severable.
7	SECTION 3: PUBLICATION AND EFFECTIVE DATE.
8	This Ordinance shall be posted at three public places within the City of Albany
9 10	and shall become effective thirty days after the date of its posting.
11 12 13	PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the day of December, 2020, by the following vote:
14 15 16 17	AYES: NOES: ABSENT:
17 18 19	ABSTAIN:
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21	NICK PILCH, MAYOR
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