1 **ORDINANCE NO. 2020-14** 2 AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING ALBANY 3 MUNICIPAL CODE SECTION 2-28.1 CLAIMS FOR MONEY OR DAMAGE 4 WHEREAS, the Government Code allows the City Council to designate an 5 employee to act upon or reject claims; and 6 WHEREAS, the City Council has adopted Resolution No. 2019-56, which allows 7 the City Manager to settle claims up to \$25,000 and reject claims; and 8 WHEREAS, amending Albany Municipal Code section 2-28.1 would allow the 9 City Council to designate an employee, such as the City Manager to act upon or reject claims. 10 THE COUNCIL OF THE CITY OF ALBANY DOES ORDAIN AS FOLLOWS: 11 SECTION 1: AMEND SECTION 2-28.1 OF THE ALBANY MUNICIPAL CODE 12 ENTITLED "CLAIMS FOR MONEY OR DAMAGE" AS FOLLOWS: 13 "§ 2-28.1 Claims for Money or Damage. 14 Pursuant to the authority granted by section 935 of the Government Code of the State of 15 California, claims against the City for money or damages which are exempted by 16 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 17 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 18 and limitations and in the manner prescribed by Section 910 through 915.2 of the 19 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 20 Government Code insofar as the provisions are not in conflict with this subsection. 21 No suit for money or damages may be brought against the City until a written claim 22 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 23 City Council by resolution, in accordance with this subsection, and shall further be 24 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 25 claims and actions thereupon by the City Council. 26 Pursuant to Chapter 5 of Part 3 of Division 3.6 of Title I of the Government Code, written 27 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 28 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

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." **SECTION 2. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable. **SECTION 3: PUBLICATION AND EFFECTIVE DATE.** This Ordinance shall be posted at three public places within the City of Albany and shall become effective thirty days after the date of its posting. **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on the 7th day of December, 2020, by the following vote: AYES: Council Members Barnes, Maass, McQuaid, Nason, and Mayor Pilch NOES: ABSENT: ABSTAIN: NICK PILCH, MAYOR



City of Albany

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ORDINANCE NO. 2020-14

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF

ALBANY, The 7th day of December, 2020, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

8th day of December, 2020.

Anne Hsu

CITY CLERK