



Legislation Details (With Text)

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Title: City Council consideration of Ordinance No. 3284, first reading of an Ordinance amending Chapter 3.04 of the Corona Municipal Code to clarify the process regarding claims against the City.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 18-2139 Agenda Report, 2. 18-2139 Agenda Report and Attachments

Date	Ver.	Action By	Action	Result
10/17/2018	1	City Council	approved	Pass

AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION

DATE: 10/17/2018

TO: Honorable Mayor and City Council Members

FROM: Legal and Risk Management Department

SUBJECT:

City Council consideration of Ordinance No. 3284, first reading of an Ordinance amending Chapter 3.04 of the Corona Municipal Code to clarify the process regarding claims against the City.

RECOMMENDED ACTION:

That the City Council introduce by title only and waive full reading of Ordinance No. 3284, first reading of an Ordinance amending Chapter 3.04 of the Corona Municipal Code to clarify the process regarding claims against the City.

ANALYSIS:

The California Government Claims Act (Government Code, Sections 900 et seq.) (the "Act") generally governs claims against cities for money damages. Under the Act, before a lawsuit seeking money or damages may be filed against the City, the plaintiff must first present a claim to the City. There are specific claims (listed in Government Code Section 905), however, that are not automatically covered by the Act. When these types of claims are not governed by another statute or state regulation, the Act allows cities to establish their own claims presentation requirements for these types of claims. Requiring that a claim first be presented to the City can reduce the possibility of litigation by giving the City an opportunity to approve, deny or settle claims before they turn into actual lawsuits, as well as providing the City with constructive notice of threatened litigation in time to

investigate the claims prior to litigation being filed.

The City has its own claims presentation ordinance, set forth in Chapter 3.04 of the Corona Municipal Code, which incorporates by reference the Act's procedures. By implementing CMC Chapter 3.04 and the Act, staff has acted on all claims but has been delegated authority to settle claims only up to \$25,000. The Legal and Risk Management Department has recently conducted a review of Chapter 3.04 and is recommending minor modifications to Chapter 3.04 to clarify the process for reviewing and handling claims against the City, including clarifying that all claims otherwise exempt pursuant to Section 905 of the Act are to be governed thereby and to clarify the authority for staff to act on all claims. The current wording in both regards is not as clear as it could be and should be expressly consistent with intent and practice. No changes to settlement authority are being recommended. The attached redline ordinance shows the recommended revisions.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

There is no direct fiscal impact associated with the recommended action.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action makes minor, clarifying changes to the City's process for handling claims against the City, and there is no possibility that adopting this Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required

PREPARED BY: JAMIE L. RAYMOND, CHIEF DEPUTY CITY ATTORNEY

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REVIEWED BY: DEAN DERLETH, CITY ATTORNEY/LEGAL AND RISK MANAGEMENT
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REVIEWED BY: KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES
DIREC

REVIEWED BY: MICHELE NISSEN, ASSISTANT CITY MANAGER TOR

SUBMITTED BY: DARRELL TALBERT, CITY MANAGER

EXHIBITS: 1. Ordinance No. 3284 (Redline)
2. Ordinance No. 3284 (Final)