

ORDINANCE NO. 1256

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY AMENDING TITLE 2, CHAPTER 2 OF THE SIMI VALLEY MUNICIPAL CODE RELATING TO CLAIMS AND DEMANDS

WHEREAS, the City of Simi Valley has not significantly updated the Simi Valley Municipal Code (SVMC) relating to claims and demands since 1985; and

WHEREAS, the City wishes to update the SVMC to conform to current practice and to modify certain claims settlement authority limits.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 2, Chapter 2 of the Simi Valley Municipal Code as specified and amended in Exhibit A attached hereto is hereby adopted.

SECTION 2. Severability. If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, adjudicated to a final determination, the City Council finds that said voided part is severable, that the City Council would have adopted the remainder of this Ordinance without the severed and voided part, and that the remainder of this Ordinance shall remain in full force and effect.

SECTION 3. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 4. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 14th day of March 2016.

Attest:

/s/
Ky Spangler, Deputy Director/City Clerk

/s/
Robert O. Huber, Mayor of the City of Simi Valley, California

Approved as to Form:

Approved as to Content:

/s/
Lonnie J. Eldridge, City Attorney

/s/
Eric J. Levitt, City Manager

EXHIBIT A

SIMI VALLEY MUNICIPAL CODE AMENDMENT
(new text underlined; prior text in ~~strikeout~~)

2-2.06 - Actions on claims.

(a) As to claims for which the City is uninsured or for which the costs of the claim, including the allowance, compromise or settlement thereof is below the amount of any relevant excess insurance coverage held by the City, or within any relevant insurance deductible or self-insured retention, the Council shall have sole discretion regarding the allowance, compromise, or settlement thereof, except as provided in this section. If the Council approves such an uninsured claim or demand, in whole or in part, the ~~General Administrative Services Director~~ shall cause a warrant to be drawn upon the City treasury for the amount allowed. For purposes of this Title 2, Chapter 2 of the Simi Valley Municipal Code, the Administrative Services Director, previously entitled the General Services Director, is such City official that shall from time to time be appointed by the City Manager.

(1) The City Attorney is hereby authorized to allow, compromise, or settle such a claim against the City if the amount to be paid pursuant to such allowance, compromise, or settlement is ~~Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars~~ \$10,000 or less and execute any necessary or advisable instruments related thereto. Upon the written order of the City Attorney, the ~~General Administrative Services Director~~ shall cause a warrant to be drawn upon the City treasury in the amount for which such claim has been allowed, compromised, or settled.

(2) The City Manager, upon the recommendation of the City Attorney, is hereby authorized to allow, compromise, or settle such a claim against the City if the amount to be paid pursuant to such allowance, compromise, or settlement is over ~~Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars~~ \$10,000 but not exceeding ~~Five Thousand and no/100ths (\$5,000.00) Dollars~~ \$25,000 and execute any necessary or advisable instruments related thereto. Upon the written order of the City Manager, the ~~General Administrative Services Director~~ shall cause a warrant to be drawn upon the City treasury in the amount for which such claim has been allowed, compromised, or settled.

(3) ~~Within ten (10) business days of the City Manager or City Attorney allowing, compromising, or settling a claim as authorized by this subsection (a), a memo shall be prepared and transmitted to the Council advising the Council thereof. No less frequently than quarterly, a list of claims that have been settled pursuant to Section 2-2.06(a) shall be transmitted to the City Council.~~

(b) The City Attorney is hereby authorized to reject any claim or demand against the City, either expressly or by operation of law through the passage of time wherein the amount claimed is Five Thousand and no/100ths (\$5,000.00) Dollars or less. The City Attorney shall bring matters to the attention of the City Council for its consideration as appropriate or necessary, or as otherwise directed by the Council, and written or oral settlement offers consistent with attorney-client duties.

(c) ~~As to claims for which the City is insured, the City's insurer or its designated agent is hereby authorized to allow, compromise, or settle a claim against the City if the amount~~

~~to be paid pursuant to such allowance, compromise, or settlement is Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars or less.~~

~~(d) As to claims for which the City is insured, the City's insurer or its designated agent is hereby authorized to allow, compromise, or settle a claim against the City if the amount to be paid pursuant to such allowance, compromise, or settlement is over Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars but does not exceed Seven Thousand Five Hundred and no/100ths (\$7,500.00) Dollars provided prior approval from the City Attorney and City Manager is obtained in writing.~~

~~(e) As to claims for which the City is insured which are to be allowed, compromised, or settled in an amount in excess of Seven Thousand Five Hundred and no/100ths (\$7,500.00) Dollars, but which do not exceed the City's self-insured retention, the sole discretion to authorize such allowance, compromise, or settlement, in whole or in part, is vested with the Council. Insured cases to be allowed, compromised, or settled in an amount in excess of the City's self-insured retention shall be authorized jointly by the Council and the insurer or its designated agent.~~

(c) In cases in which the City has suffered property damage or loss in an amount confirmed by the City's Risk Manager or other City official appointed by the City Manager for that purpose, the City Attorney is authorized to accept full compensation to the City for such property damage or loss, minus up to 5% (not to exceed \$5,000 total), and sign all releases or instruments pertaining thereto.

(d) The settlement authorities provided in Section 2-2.06 apply to compromise and release settlements, and stipulated awards in workers' compensation claims provided the stipulated award does not contain a disability percentage greater than 25%. The City Manager and/or City Attorney can delegate their respective authorities in this section to appropriate workers' compensation staff.

2-2.07 - Employee claims for damages to personal property.

~~The General Services Director~~ Risk Manager or other City official designated by the City Manager for this purpose, is hereby delegated the duty of approving all payments to employees for lost or damaged property while within the scope of their employment. No such approval shall be authorized unless:

(a) The employee has complied with the rules and regulations of his or her department and the City relating to the use of personal property;

(b) The claim is not in excess of ~~Two Hundred and no/100ths (\$200.00)~~ \$400 Dollars;

(c) ~~The General Services Director~~ Risk Manager has confirmed the loss or the necessity to repair the personal item as to the fact that the loss did in fact occur in the line of duty without the fault of the employee; and

(d) ~~The General Services Director~~ Risk Manager has confirmed the amount of the actual damage as to the cost of repair or replacement.

(e) Employee claims in excess of the amount authorized under 2-2.07(b) shall be reviewed and approved by the City Attorney or City Manager, under the respective authorities provided by Section 2-2.06.

2-2.08 - Warrants in payment of budgeted demands.

The Finance Director is hereby authorized to approve and pay all claims after certified or approved ~~by him as conforming~~ in accordance to a budget approved by ordinance or resolution and to be covered by appropriated and unencumbered funds of the City and to be in compliance with law, except for those claims required by law to be approved by the Council. The signatures of the Mayor and the ~~General~~ Administrative Services Director shall be required upon all checks, drafts, or warrants issued for and on behalf of the City. The Mayor is hereby authorized to use a facsimile signature on checks, drafts, or warrants of the City in lieu of the Mayor's personal signature. The ~~General~~ Administrative Services Director is hereby authorized to use a facsimile signature on checks, drafts, or warrants of the City, for amounts of \$10,000 or less, in lieu of the Director's personal signature.