

ORDINANCE NO. 2772

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHAPTER 1.34 OF THE CHULA VISTA MUNICIPAL CODE
RELATING TO CLAIMS REQUIREMENTS AND PROCEDURES

The City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I: That Chapter 1.34 of the Chula Vista Municipal Code is hereby amended to read as follows:

Chapter 1.34

CLAIMS REQUIREMENTS AND PROCEDURES

Sections:

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| 1.34.010 | Purpose and Intent of Claim Regulations. |
| 1.34.020 | Claims Requirement. |
| 1.34.030 | Claims Procedures. |
| 1.34.040 | Time for Presentation of Claims. |
| 1.34.050 | Delegation. |
| 1.34.060 | Late Claims. |

1.34.010 Purpose and intent of claims regulations.

The purpose of this ordinance is to require the filing of claims for matters which are specifically excluded under Government Code §905 and which are not governed by any other statutes or regulations expressly related thereto. Additionally, this ordinance sets forth claims presentation, consideration and payment provisions applicable to and to be incorporated by reference in, all written agreements entered into by the city. (See Government Code §935 and §938).

1.34.020 Claims Requirement.

No suit shall be brought against the city unless a claim has been presented in writing and filed with the city of Chula Vista and acted upon by the city.

1.34.030 Claims Procedures.

Each claim filed pursuant to this chapter, shall follow the requirements prescribed by Title 1, Division 3.6 of the California Government Code (commencing with Section 900, excluding Section 905).

1.34.040 Time for Presentation of Claims.

- A. A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented, in the manner provided in Article 2 (commencing with Section 915) of the California Government Code, not later than six months after the accrual of the cause of action.

- B. Claims by the state or a state department or agency or by another local public entity for equitable indemnity or partial equitable indemnity shall be presented, in the manner provided in Article 2 (commencing with Section 915) of the California Government Code, not later than six months from the date the claimant is served with the complaint giving rise to the claimant's claim for equitable indemnity or partial equitable indemnity.
- C. A claim by a public employee for fees, salaries, wages, mileage or other expenses and allowances shall be presented, pursuant to Government Code §930.4 within six months of the accrual of the cause of action; or if a grievance procedure applicable to the claimant provides for submission of grievances regarding the payment of fees, salaries, wages, mileage or other expenses, such claim shall be presented, pursuant to Government Code §935, within the time specified in said grievance procedure.
- D. A claim relating to any other cause of action shall be presented, in the manner provided in Article 2 (commencing with Section 915) of the California Government Code, not later than one year after the accrual of the cause of action.

1.34.050 Delegation.

The functions of the city council required to be performed in considering and rejecting, approving, compromising or settling claims provided for by this chapter are hereby delegated to and shall be performed by the Risk Manager. The Director of Finance may cause a warrant to be issued upon the city treasury in the amount for which any such claim has been allowed, compromised or settled, by the Risk Manager, provided such amount does not exceed \$50,000.

1.34.060 Late Claims.


If claims required by this chapter to be submitted within a period of less than one year are not submitted within the stated time (see §1.34.040 A, B, and C), an application may be made to the city to present such claim within one year of the accrual of the cause of action and in accordance with the requirements of Government Code §930.4 and §935(e).

SECTION II: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by


Candy Emerson
Human Resources Director


John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 2nd day of February, 1999, by the following vote:

AYES: Councilmembers: Davis, Padilla and Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: Moot and Salas

ABSTAIN: Councilmembers: None



Shirley Horton, Mayor

ATTEST:



Susan Bigelow, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2772 had its first reading at a regular meeting held on the 26th day of January, 1999 and its second reading and adoption at a regular meeting of said City Council held on the 2nd day of February, 1999.

Executed this 2nd day of February, 1999.



Susan Bigelow, City Clerk

