

ORDINANCE NO. 3511

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF THE CHULA VISTA MUNICIPAL CODE CHAPTER 1.34, "CLAIMS REQUIREMENTS AND PROCEDURES," TO ALLOW FOR ELECTRONIC CLAIMS FILINGS AND CHANGE THE DELEGATE FOR CLAIMS HANDLING FROM RISK MANAGER TO CITY MANAGER OR HER DESIGNEE

WHEREAS, under Chula Vista Municipal Code (CVMC) section 1.34.020 requires applicable claims be presented in writing and filed with City of Chula Vista; and

WHEREAS, the COVID-19 pandemic created opportunity for electronic filings and the City of Chula Vista created an online form for claims to be submitted; and

WHEREAS, Senate Bill 1473 codified a requirement for public agencies to adopt an ordinance or resolution allowing claims to be submitted electronically; and

WHEREAS, staff determined that amendments are required to CVMC 1.34 in order to comply with allowing the submission of electronic claims per State of California regulations; and

WHEREAS; this ordinance also amends language in CVMC 1.34.050 to change the City Councils designee from the Risk Manager to City Manager.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

**Section I.** The following sections in CVMC chapter 1.34, "Claims Requirements and Procedures," are hereby amended as follows:

**1.34.020 Claims Requirement.**

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

**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 City Manager or their designee. 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 City Manager or their designee, provided such amount does not exceed \$50,000.

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**Section II. Acceptance of Electronic Submissions.**

Council, by this action, accepts and allows electronic submission of claims starting on January 1, 2021.

**Section III. Severability**

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

**Section IV. Construction**

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**Section V. Effective Date**

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

**Section VI. Publication**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

[SIGNATURES ON THE FOLLOWING PAGE]

Presented by

Approved as to form by

DocuSigned by:  
  
3074D104EAF342E...  
Kerry K. Bigelow, MMC  
City Clerk

DocuSigned by:  
  
CE40650850444BF...  
Glen R. Googins  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 24th day of August 2021, by the following vote:

AYES: Councilmembers: Cardenas, Galvez, McCann, Padilla, and Casillas Salas  
NAYS: Councilmembers: None  
ABSENT: Councilmembers: None

DocuSigned by:  
  
062BFD7C0386456...  
Mary Casillas Salas, Mayor

ATTEST:

DocuSigned by:  
  
3074D104EAF342E...  
Kerry K. Bigelow, MMC, City Clerk

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

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3511 had its first reading at a regular meeting held on the 10th day of August 2021, and its second reading and adoption at a regular meeting of said City Council held on the 24th day of August 2021; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

9/1/2021  
Dated \_\_\_\_\_

DocuSigned by:  
  
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Kerry K. Bigelow, MMC, City Clerk