

ORDINANCE NO. **XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA AMENDING SECTION 1.14.030 OF CHAPTER 1.14 OF THE RIALTO MUNICIPAL CODE REGARDING CLAIMS AGAINST THE CITY AND AUTHORITY OF THE CITY MANAGER**

**WHEREAS**, In accordance with California Government Code Section 935, the City Council evaluates, rejects, allows and/or compromises all claims, potential litigation and/or litigation filed against the City, its officers, agents and employees, provided that such claims are not governed by any other statutes or regulations; and

**WHEREAS**, California Government Code Section 935.4 further permits the City Council to a City employee to perform certain functions with respect to the processing of claims, including reviewing such claims for sufficiency, rejecting claims, as well as compromising and settling such claims not in excess of \$50,000; and

**WHEREAS**, Rialto Municipal Code Section 1.14.030 currently authorizes the City Manager to settle claims up to fifteen thousand dollars (\$15,000); and

**WHEREAS**, to facilitate efficiency of the claims procedure outlined in Rialto Municipal Code Chapter 1.14, City Council desires to authorize the City Manager to settle claims against the City up to fifty thousand dollars (\$50,000).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. INCORPORATION BY REFERENCE.**

The above recitals are true and correct and material to this ordinance. In making its findings, the City Council relied upon and hereby incorporates by reference, all staff reports, presentations, and other documentation presented to the Council in the meeting.

**SECTION 2. AMENDMENT OF SECTION 1.14.030 OF CHAPTER 1.14 OF THE CITY OF RIALTO MUNICIPAL CODE.**

Section 1.14.030 of Chapter 1.14 of the Rialto Municipal Code shall be amended to read as follows (deletions shown in ~~strike through~~ and additions in ***bold and italics***):

“1.14.030 – Authority of ~~City Administrator~~ ***City Manager***.”

1 The City Council delegates authority to the City ~~Administrator~~ **Manager** and his or her  
2 designee to review all claims for sufficiency and to reject any and all claims. The City Council  
3 delegates to the City ~~Administrator~~ **Manager** authority to allow, compromise, or settle claims for  
4 an amount up to ~~fifteen~~ **fifty** thousand dollars (\$~~150~~,000). The City Council shall have sole  
5 authority to allow, compromise, or settle claims for an amount in excess of ~~fifteen~~ **fifty** thousand  
6 dollars (\$~~150~~,000).”

7 **SECTION 3. SEVERABILITY.**

8 If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason  
9 held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such  
10 decision will not affect the validity of the remaining portions of this ordinance. The City Council  
11 hereby declares that it would have passed this ordinance and each and every section, subsection,  
12 sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any  
13 portion of the ordinance would be subsequently declared invalid or unconstitutional.

14 **SECTION 4. EFFECTIVE DATE.**

15 This ordinance shall be in full force and effective thirty (30) days after its adoption, and  
16 shall be published and posted as required by law.

17 **SECTION 5. CERTIFICATION.**

18 The City Clerk shall certify to the adoption of this ordinance and cause the same to be  
19 published in the local newspaper.

20 **PASSED, APPROVED AND ADOPTED** this 27th day of September, 2022

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22 \_\_\_\_\_  
23 DEBORAH ROBERTSON, Mayor

24 **ATTEST:**

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26 \_\_\_\_\_  
27 BARBARA MCGEE, City Clerk  
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**APPROVED AS TO FORM:**

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ERIC VAIL, City Attorney  
Burke, Williams & Sorensen, LLP