

ORDINANCE NO. 1749

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 2.08.090 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE CITY MANAGER'S AUTHORITY TO DISPOSE OF CLAIMS AGAINST THE CITY

WHEREAS, Section 2.08.090 of the San Clemente Municipal Code sets forth, *inter alia*, the additional powers and duties of the City Manager; and

WHEREAS, Subdivision (R) of Section 2.08.090, "Allowance and Settlement of Claims," delegates to the City Manager or designee the authority to deny and/or compromise claims of up to \$10,000; and

WHEREAS, the City Council, by Section 1 of Resolution No. 07-78, authorized the City Manager to take any administrative actions necessary to resolve claims against the City up to a cap of \$30,000; and

WHEREAS, the City Council desires to reconcile this discrepancy by amending the Municipal Code to allow the Council to set this claims disposition authority by resolution of the City Council; and

WHEREAS, this action will reconcile SCMC Section 2.08.090 and Resolution No. 07-78 allow the Council to adjust this cap in the future more efficiently without the more cumbersome and time-consuming process of amending the Municipal Code.

NOW, THEREFORE, the City Council of the City of San Clemente does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Subdivision (R) of Section 2.08.090, "Same—Additional powers and duties," of the San Clemente Municipal Code is hereby amended in its entirety to read as follows:

"2.08.090 – Same—Additional powers and duties.

. . .
R. Allowance and Settlement of Claims. Allowance and Settlement of Claims. The City Manager or his or her designee shall review all claims filed against the City, its officers, agents or employees pursuant to Government Code Section 900, et seq. The City Manager or his or her designee shall have the authority to deny claims and to compromise any claim by payment of an amount ~~not greater than ten thousand dollars (\$10,000.00)~~ up to the amount approved by resolution of the City Council. The City Manager shall periodically report to the

City Council regarding the status of all claims which have been denied or compromised.”

Section 3. The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published once within fifteen (15) days of adoption in a newspaper of general circulation printed and published within the City of San Clemente, and shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with California Government Code Section 36933.

Section 4. The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council’s findings and determinations are based are located at City Hall, 910 Calle Negocio, San Clemente, CA 92673.

Section 5. If any provision of this ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 6. This Ordinance shall take effect thirty (30) days after its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2023.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, **LAURA CAMPAGNOLO**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, 2023, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, 2023, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, 2023.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

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