

ORDINANCE NO. ORD-12-0003

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING SECTION 2.83.020  
REGARDING CLAIMS AGAINST THE CITY

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Section 2.83.020 of the Long Beach Municipal Code is hereby amended to read as follows:

## 2.83.020 Special claims procedure.

Pursuant to the authority of Section 935 of the Government Code of the State of California, the city establishes the following claims procedure for those claims for money or damages against the city which are excepted by Section 905 from Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code, and which are not governed by any other statutes or regulations expressly relating thereto:

A. Employee claims. Notwithstanding the exceptions contained in Section 905 of the Government Code of the State of California, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, back pay and other expenses or allowances claimed due from the city, when a procedure for processing such claims is not otherwise provided by state or local law or memorandum of understanding, shall be presented within the time limitations and in the manner prescribed by Sections 910 through

1                   915.4 of the Government Code of the State of California, and such claims  
2                   shall further be subject to the provisions of Section 945.4 of the  
3                   Government Code relating to the prohibition of suit in the absence of  
4                   presentation of claims and action thereon by the city council.

5                   B.       Contract and other claims. In addition to the requirements of  
6                   Subsection 2.83.020.A. of this Section and notwithstanding the exemptions  
7                   set forth in Section 905 of the Government Code of the State of California,  
8                   all claims against the city for damages or money, when a procedure for  
9                   processing such claims is not otherwise provided by state or local law, shall  
10                  be presented within the time limitations and in the manner prescribed by  
11                  Sections 910 through 915.4 of the Government Code of the State of  
12                  California and such claims shall further be subject to the provisions of  
13                  Section 945.4 of the Government Code relating to the prohibition of suit in  
14                  the absence of presentation of claims and action thereon by the city council.  
15                  The foregoing reference to Government Code Section 910 shall not be  
16                  construed to authorize a class claim, and no claim may be filed on behalf of  
17                  a class of persons unless verified by every member of that class.

18                  C.       Late claims. When a claim required by the procedure to be  
19                  presented within a period of less than one (1) year after the accrual of the  
20                  cause of action is not presented within the required time, an application  
21                  may be made to the city for leave to present such claim. Subdivision (b) of  
22                  Section 911.4, Sections 911.6 to 912.2, inclusive, and Sections 946.4 and  
23                  946.6 of the California Government Code are applicable to all such claims.

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25                  Section 2.   The City Clerk shall certify to the passage of this ordinance by  
26                  the City Council and cause it to be posted in three (3) conspicuous places in the City of  
27                  Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
28                  Mayor.

1 I hereby certify that the foregoing ordinance was adopted by the City  
2 Council of the City of Long Beach at its meeting of February 7, 2012, by the  
3 following vote:

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Ayes: Councilmembers: DeLong, Schipske, Andrews, Johnson,  
Gabelich, Neal, Lowenthal.

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Noes: Councilmembers: None.

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Absent: Councilmembers: Garcia, O'Donnell.

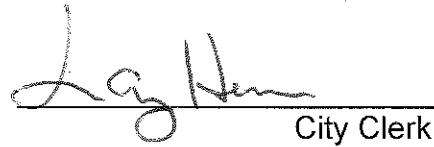
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City Clerk

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Approved: 2/14/12  
(Date)



Mayor