

ORDINANCE NO.

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

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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.  
24

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.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH \_\_\_\_\_, CALIFORNIA AMENDING SECTION 2.83.020 \_\_\_\_\_ OF THE LONG BEACH \_\_\_\_\_ MUNICIPAL CODE REGARDING CLAIMS AGAINST THE CITY

THE CITY COUNCIL OF THE CITY OF LONG BEACH \_\_\_\_\_ DOES ORDAIN AS FOLLOWS:

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

~~“Section \_\_\_\_\_ Claims~~

~~\_\_\_\_\_ (a) Authority~~

~~\_\_\_\_\_ This ordinance is enacted pursuant to Section 935 of the California Government Code.~~

~~\_\_\_\_\_ (b) Claims Required~~

~~\_\_\_\_\_ All claims against the city for money or damages not otherwise governed by the Government Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this ordinance, “claims”) shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this ordinance.~~

~~\_\_\_\_\_ (c) Form of Claim~~

~~\_\_\_\_\_ All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. In addition, all claims shall contain the information required by California Government Code Section 910. The foregoing reference to Government Code Section 910 shall not be construed to authorize a class claim, and no claim may be filed on behalf of a class of persons unless verified by every member of that class.~~

~~\_\_\_\_\_ (d) Claim Prerequisite to Suit~~

~~\_\_\_\_\_ In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the city prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of subdivisions (b) and (c) of this section.~~

~~\_\_\_\_\_ (e) Suit~~

~~\_\_\_\_\_ Any action brought against the city upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the city shall conform with the requirements of Section 950-951 of the California Government Code.”~~

~~\_\_\_\_\_ Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.~~

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

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

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

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

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2011, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ City Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_ (Date) Mayor

~~Section 3. Effective Date; Transitional Clause. This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937. However, any claim that would have been timely if presented on the day before this Ordinance becomes effective which claim would be untimely under the requirements of the this Ordinance may, notwithstanding this Ordinance, be presented not later than the 45<sup>th</sup> day after the adoption of this Ordinance.~~

~~Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.~~

~~PASSED, APPROVED AND ADOPTED, this \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2008.~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Mayor

ATTEST:

\_\_\_\_\_

City Clerk

\_\_\_\_\_ APPROVED AS TO FORM:

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\_\_\_\_\_  
\_\_\_\_\_  
City Attorney