



## Legislation Details (With Text)

**File #:** 12-0044      **Version:** 2      **Name:** FM - ORD Class Action Claims  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 12/19/2011      **In control:** City Council  
**On agenda:** 2/7/2012      **Final action:** 2/7/2012  
**Title:** Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 2.83.020 regarding claims against the City, read and adopted as read. (Citywide)  
**Sponsors:** Financial Management  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 012412-ORD-19sr&att.pdf, 2. 02-07-12-ORD-28att.pdf, 3. ORD-12-0003.pdf

| Date      | Ver. | Action By    | Action  | Result |
|-----------|------|--------------|---|--------|
| 2/7/2012  | 2    | City Council | approve recommendation and adopt  | Pass   |
| 1/24/2012 | 1    | City Council | declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading | Pass   |

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 2.83.020 regarding claims against the City, read and adopted as read. (Citywide)

The California Supreme Court has recently expanded the ability of tax payers to file broad class action claims against cities for refunds of taxes and fees in those cases where a city does not have regulations concerning such claims. Accordingly, the City Attorney's Office is recommending that the City amend its claims procedure to prohibit such broad claims. Such amendment will not prohibit individual tax payers from filing claims for the refund of taxes or fees, but will discourage the broad class actions which are costly for the City to defend against. By adding a requirement that every request for refund be verified by an individual tax payer, the tax payers' rights to seek a refund will be protected and the City will be spared the costly defense of such class actions.

This matter was reviewed by Assistant City Attorney Heather A. Mahood on December 9, 2011 and Acting Budget and Performance Management Bureau Manager Shari Metcalfe on December 19, 2011.

While there appears to be no urgency with respect to the adoption of this Ordinance, the City Council is requested to protect the City's interests by making this change on January 24, 2012.

This is a proactive measure, and therefore, there is no fiscal impact for the proposed action.

Approve recommendation.

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.

JOHN GROSS  
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

APPROVED:

PATRICK H. WEST  
CITY MANAGER