

**ORDINANCE NO. 16-014**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
PACIFIC GROVE AMENDING CHAPTER 6.06 OF THE  
PACIFIC GROVE MUNICIPAL CODE REGARDING UNIFORM  
CLAIMS PRESENTATION AND COUNCIL POLICY 000-7**

**WHEREAS**, Chapter 606, Subsection 6.06.055 of the Pacific Grove Municipal Code, as of 2010, states that for claims against the city under \$15,000 the City Manager shall have exclusive authority to act on such a claim in the same manner provided in PGMC 6.06.050; and

**WHEREAS**, Chapter 2.16, Article II, Subsection 2.16.160(a) of the Pacific Grove Municipal Code states that purchases of supplies, services, materials, equipment and contractual services, including public works, having an estimated market value under \$35,000 may be made by the Purchasing Agent in the open market, as hereinafter described in this article, without observing the formal contract procedures prescribed in Articles III and IV of this chapter; and

**WHEREAS**, Council Policy 000-7 specifies the City Manager's authority to act on claims as less than \$25,000; and

**WHEREAS**, Council Policy 000-7 requires a standard report to be given to the City Manager on all incidents of job-related illness or injury, which is unnecessary and conflicts with current practice; and

**WHEREAS**, the intent of the City Council is to apply consistency to the authority level provided to the City Manager for action on claims and as Purchasing Agent; and

**WHEREAS**, the intent of the City Council is to allow the City Manager full authority to reject claims against the City in any amount; and

**WHEREAS**, the intent of the City Council is to continue with its current practice regarding job-related illness or injury reporting; and

**WHEREAS**, the City Council has requested a monthly report on all claims settled or rejected within the month; and

**WHEREAS**, in the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. Enactment of this ordinance action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:**

**SECTION 1.** The foregoing findings of the City Council are incorporated into this Ordinance as if set forth in full.

**SECTION 2.** The text set forth in existing Municipal Code Chapter 6.06.055 entitled *Action by City Manager* shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all a text shown in bold italic text (***bold/italic text***), as follows:

(a) For claims against the City under \$15,000 ***\$35,000*** the City Manager shall have the exclusive authority to act on such a claim in the same manner provided in PGMC 6.06.050 [Ord. 10-013 } 2, 2010].

(b) ***For all claims against the City, in any amount, the City Manager shall have the exclusive authority to reject such claims.***

1) ***The City Manager shall act on a claim within 45 days after the claim has been presented. If the City Manager fails or refuses to act on a claim within this time, the claim shall be deemed to have been rejected by the City Manager on the last day of the period within which the City Manager was required to act upon the claim. [Ord. 02-28} 1, 2002]***

**SECTION 3.** The text set forth in Council Policy 000-7 shall be changed by the deletion of all text shown as ~~strikeout text~~ and the addition the addition of all text shown in bold italic text (***bold italic text***) as follows:

~~The City Council shall be advised of all settlements, and any settlement in excess of \$25,000 shall have prior approval of the City Council.~~ ***Any settlement in the amount of \$35,000 or more shall have prior approval from the City Council. On a monthly basis, each Council Member shall be provided a report listing all rejected claims and settlements for the month reported.***

~~A standard report~~ ***The DWCI Report of Injury*** shall be prepared and forwarded to the City Manager ***Finance Director, or designee*** without delay for all incidents of job-related illness or injury.

When it is determined that it will take more than 30 days to investigate or settle a claim, such claim shall be referred to the City Council ***Manager*** for denial in order to protect the City's legal rights.

**SECTION 4.** The City Manager is directed to execute all documents and to perform all necessary City acts to implement this ordinance.

**SECTION 5.** In accord with Article 15 of the City Charter, this ordinance shall become effective 30 days after adoption.

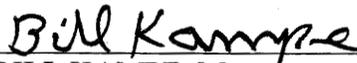
**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE** this 5th day of October, 2016, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius, and Peake.

NOES: Councilmember Miller.

ABSENT: None.

APPROVED:

  
BILL KAMPE, Mayor

ATTEST:

  
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

  
DAVID C. LAREDO, City Attorney

