

ORDINANCE NO. 795

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
AMENDING CHAPTER 2.44, "DEMANDS AGAINST THE CITY,"
OF THE ROHNERT PARK MUNICIPAL CODE**

WHEREAS, Chapter 2.44, "Demands Against the City," of the City of Rohnert Park Municipal Code addresses claims made against the City;

WHEREAS, the City wishes to update its claims filing procedures; and

WHEREAS, the City wishes to update the Municipal Code's references to the state Government Tort Claims Act (Gov. Code, § 815 et seq.).

NOW, THEREFORE, the City Council of the City of Rohnert Park ordains as follows:

SECTION 1. Chapter 2.44 "Demands Against the City" is amended to read as follows:

"Chapter 2.44 CLAIMS AGAINST THE CITY

2.44.010 Adoption Authority.

This Chapter is enacted pursuant to Section 935 of the California Government Code.

2.44.020 Claims Presentation Procedures.

All claims against the City for money or damages not otherwise governed by the Government Tort Claims Act, California Government Code Sections 900 et seq., or other state law (hereinafter "claims") shall be presented within the timeframe and in the manner prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900), as that Part may be amended from time to time, and as further provided in this Chapter.

2.44.030 Form.

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.

2.44.040 Audit.

All claims shall be audited by the City Clerk for compliance with this Chapter and submitted to the City Council for approval or rejection as provided for in California Government Code Section 37202.

2.44.050 Claim Prerequisite to Suit.

In accordance with California Government Code Sections 935(b) and 945.4, all claims shall be presented as provided in this Chapter and acted upon by the City prior to the filing of any legal action on such claims. No such action may be maintained by a person who has not complied with the requirements of this Chapter.

2.44.060 Suit.

Any legal action brought against the City upon any claim or demand shall conform to the requirements of Government Code Sections 940-949. Any action brought against any employee of the City shall conform with the requirements of California Government Code Sections 950-951."

SECTION 2. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3. Effective Date and Publication. This ordinance shall be in full force and effect 30 days after the second reading. Pursuant to California Government Code Section 36933, before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof, shall be published at least once in a newspaper of general circulation, published and circulated in the City of Rohnert Park, along with the names of the members of the City Council voting for and against its passage.

This ordinance was introduced on the 8th day of January, 2008 and **DULY AND REGULARLY ADOPTED** this 22nd day of January, 2008 by the following vote:

AYES: Four (4) Council Members Breeze, Smith, Stafford and Mayor Mackenzie

NOES: None (0)

ABSENT: One (1) Council Member Vidak-Martinez

ABSTAIN: None (0)

ATTEST:
/s/ Deputy City Clerk Terri Griffin, 1/22/2008

CITY OF ROHNERT PARK
/s/ Mayor Jake Mackenzie

APPROVED AS TO FORM:
/s/ Assistant City Attorney James Atencio