

**\*\*\*NOT YET APPROVED\*\*\***

ORDINANCE NO. \_\_\_\_\_  
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO  
ALTO AMENDING SECTION 2.28.230 OF CHAPTER 2.28  
(FISCAL PROCEDURES) OF THE PALO ALTO MUNICIPAL  
CODE REGARDING CLAIMS AGAINST THE CITY

The Council of the City of Palo Alto does ORDAIN as follows:

Whereas Section 935 of the California Government Code authorizes local entities to adopt policies and procedures, including but not limited to time limits, for processing certain types of claims against the City;

Section 1. Code Amendment. Section 2.28.230 of the Palo Alto Municipal Code is hereby amended to read as follows:

"Section 2.28.230 - 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, one year,~~ 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 chapter.

(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. 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.

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(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 subdivision (b) 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.

Section 3. Effective Date; Impact on Current Lawsuits and Claims. This ordinance shall take effect on the thirty-first day after its passage and 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. However, this ordinance shall have

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no impact on existing lawsuits to which the City is a party, nor will this ordinance have an impact on existing claims pending against the City.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Senior Asst. City Attorney

\_\_\_\_\_  
Director of Human Resources

\_\_\_\_\_  
Director of Administrative  
Services