

# Agenda Report

February 26, 2024

**TO:** Honorable Mayor and City Council

**FROM:** Michele Beal Bagneris, City Attorney

**SUBJECT: PROPOSED AMENDMENT TO CHAPTER 2.365 OF THE PASADENA MUNICIPAL CODE, INTERPRETING THE CITY COUNCIL'S ROLE IN THE CLAIM FOR DAMAGES PROCESS**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the action proposed herein is exempt from California Environmental Quality Act ("CEQA") Guidelines pursuant to Title 14, Chapter 3, Article 5, Section 15061(b)(3); and
2. Direct the City Attorney to prepare and return within 60 days with an ordinance amending Chapter 2.365.080 of the Pasadena Municipal Code to interpret the City Council's role in the claim for damages process.

**BACKGROUND:**

The California Constitution provides that the Legislature may prescribe the procedure for presentation, consideration, and enforcement of claims for damages against cities and other local public entities.

Government Claims Act, passed in 1963, provides a comprehensive statutory scheme laying out the law of governmental liability and immunity in California, including, a standardized process for presenting claims. The claim presentation requirement serves several purposes:

- (1) Prompt notice to the City to investigate the strengths and weaknesses of a claim while the evidence is still fresh and the witnesses are available;
- (2) Opportunity for amicable adjustment, thereby avoiding expenditure of public funds in needless litigation; and

(3) Informs the City of potential liability so that it can, where necessary, better prepare for the upcoming fiscal year.

In 1962, the year before the enactment of the Government Claims Act, Section 1011 of the City Charter was passed, setting forth a detailed process of presenting and rejecting claims against the City. While Section 1011 has been slightly amended over the years, its detailed process remains, and the City also must follow the claims for damages processes set forth by the Government Claims Act. As a matter of practice, claims against Pasadena are placed on the City Council's consent calendar agendas, to be received and filed. However, the Government Claims Act takes precedence, and does not require the detailed process set forth in the Charter before claims can be considered presented or rejected.

In consideration of the Government Claims Act and City Charter language, and as a matter of efficiency, staff recommends the Council direct the City Attorney to prepare an ordinance amending Pasadena Municipal Code Section 2.365.080 to (a) clarify the delegation of authority of City staff to perform claims administration functions as prescribed by the Government Claims Act (which would include sending out claim rejection letters, where warranted), and to (b) reconcile City practice with State law, such that staff's inclusion of claims against the City on a City Council meeting agenda is an informational practice, not to be considered as requiring action by the City Council.

#### **COUNCIL POLICY CONSIDERATION:**

This proposed action is consistent with the City Council's goal to maintain fiscal responsibility and stability.

#### **ENVIRONMENTAL ANALYSIS:**

The action proposed herein is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA) Section 15061(b)(3), the "common sense" exemption that CEQA applies only to projects which may have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Authorizing an amendment to the Municipal Code to interpret the City Council's role in the claim for damages process will not have a significant effect on the environment and, hence, not subject to environmental review.

**FISCAL IMPACT:**

There is no fiscal impact from the proposed ordinance.

Respectfully submitted,




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Concurrence by:



MIGUEL MARQUEZ  
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