

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 1, CHAPTER 19, SECTION 3 AND ADDING SECTIONS 4 AND 5 REGARDING SERVICE OF PROCESS, SETTLEMENT, AND POLICIES FOR DEMANDS, CLAIMS, AND LAWSUITS INVOLVING THE CITY.

WHEREAS, the City Attorney is the chief legal advisor to the City Council, City Manager and City Departments, manages the Public Property and Liability Trust Fund, and is responsible for representing the City of Mesa in all legal proceedings.

WHEREAS, the City Attorney advises the City Council of legal proceedings that may materially affect or impact the City of Mesa.

WHEREAS, the City Council desires to amend the language of Mesa City Code Title 1, Chapter 19 to further formalize and prescribe the claims and settlement processes as provided in this Ordinance, as well as to make other changes as provided in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mesa, Arizona, as follows:

SECTION 1: Title 1, Chapter 19, Section 3 of the Mesa City Code is hereby amended as follows:

**1-19-3: ADDITIONAL AUTHORITY:**

The City Attorney, **ON BEHALF OF THE CITY**, is authorized to file, pursue, and defend, **APPEAL, SETTLE, DISMISS, AND RESOLVE ANY AND ALL civil LAWSUITS AND CLAIMS** and criminal misdemeanor cases. ~~and appeals in any court administrative tribunal on behalf of the City.~~ The City Attorney shall provide advice and information about cases and appeals to Council at the request of, or when needed by, the Council.

SECTION 2: That a new Section 4 to Title 1, Chapter 19 of the Mesa City Code, entitled “Litigation Policies and Trust Fund Audit,” is hereby added as follows:

**1-19-4: LITIGATION POLICIES AND TRUST FUND AUDIT:**

**THE PROCESSES FOR THE PAYMENT OF CLAIMS AND LAWSUITS FROM THE PUBLIC PROPERTY AND LIABILITY TRUST FUND WILL BE SUBJECT TO POLICIES ADOPTED BY THE CITY ATTORNEY. THE PUBLIC PROPERTY AND LIABILITY TRUST FUND SHALL BE SUBJECT TO AUDIT BY THE CITY AUDITOR.**

SECTION 3: That a new Section 5 to Title 1, Chapter 19 of the Mesa City Code, entitled “Service of Claims and Lawsuits,” is hereby added as follows:

**1-19-5: SERVICE OF CLAIMS AND LAWSUITS:**

**CLAIMS AGAINST THE CITY OF MESA SHALL BE SERVED IN COMPLIANCE WITH STATE AND FEDERAL LAW AND THE RULES OF CIVIL PROCEDURE.**

SECTION 4: AMENDED LANGUAGE. In the sections of this Ordinance that are intended to amend the Mesa City Code, additions to the City Code are written in text that is in **BOLD AND ALL CAPS**, and deletions to the City Code are written in ~~striketrough~~.

SECTION 5: RECITALS. The recitals above are fully incorporated in this Ordinance by reference.

SECTION 6: EFFECTIVE DATE. The effective date of this Ordinance shall be thirty (30) days following adoption by the City Council.

SECTION 7: SEVERABILITY. That the terms and provisions of this Ordinance are severable and if any section, subsection, sentence, clause phrase or portion of this Ordinance, or any part of the Mesa City Code adopted herein, is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 2nd day of December, 2019.

APPROVED:

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Mayor

ATTEST:

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City Clerk