

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 240978

Amending Chapter 2, Code of Ordinances, “Administration” by repealing and replacing Sections 2-302, Settlement of claims; 2-1304, Authority of city attorney to settle claims; and 2-2205, Claims against fund, and enacting in lieu thereof new sections of like number and subject matter to increase the settlement authority of the City Attorney and the Risk Management Committee.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances, “Administration” is amended by repealing Section 2-302, Settlement of claims, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 2-302. Settlement of claims.

(a) *Claims against the city.* The city attorney may adjust, settle, compromise or submit to arbitration any action, causes of action, accounts, debts, claims, demands, disputes and matters against the city or in which the city is concerned as debtor, now existing or which may hereafter arise and not involving or requiring payment made by the City to exceed \$75,000.00, and, with the approval of the risk management committee, may do likewise in matters not involving or requiring payment made by the City of in excess of \$150,000.00. Claim payments made by the City in excess of \$150,000.00 shall be subject to approval by the city council upon the recommendation of the risk management committee and the city attorney, provided that funds to settle claims generally have been appropriated therefor.

(b) *Claims owed to the city.* The city attorney may adjust, settle, compromise or submit to arbitration any action, causes of action, accounts, debts, claims, demands, disputes and matters in favor of the city or in which the city is concerned as creditor, now existing or which may hereafter arise and not involving a payment made to the City in excess \$500,000.00 without further city council authorization.

(c) *Other.* The city attorney shall have the power to confess judgment within the limits authorized in subsection (a) above. The City Attorney’s utilization of non-monetary settlement terms, consistent with existing policy and regulation, shall not require authorization from the city council.

Section 2. That Chapter 2, Code of Ordinances, “Administration” is hereby amended by repealing Section 2-1304, Authority of city attorney to settle claims, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 2-1304. Authority of city attorney to settle claims.

The city attorney may adjust, settle or compromise any action, cause of action, account, award, claim, claim for compensation, death or funeral benefit, demand, dispute, disability rating, request or demand for medical aid or any other matter in which the city is concerned under the

Workers' Compensation Law now existing or which may hereafter arise as provided under section 2-302.

Section 3. That Chapter 2, Code of Ordinances, "Administration" is hereby amended by repealing Section 2-2205, Claims against fund, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 2-2205. Claims against fund.

(a) Submission. All claims which are payable from the city legal expense and workers' compensation funds shall be submitted in the manner and form as directed by the risk management committee. The city attorney shall have authority to solicit bids or proposals and employ experts to aid in determining the amount of any loss.

(b) Any dispute between a department and the committee concerning a loss shall be referred to the city manager for final determination.

(c) Each city department shall cooperate with the city attorney, or designee, in the investigation, negotiation or other proceedings relating to the handling of claims or litigation against the department. Refusal of a department to cooperate in the handling of claim matters may bar the payment of that department's claims from the fund.

(d) Claims covered by the legal expense fund or payable from the workers' compensation fund shall be handled as provided under section 2-302.

(e) Review by committee. All proposed payments for claims or litigated matters from the city legal expense and workers' compensation funds shall be reported to the risk management committee in such manner and detail as the committee shall direct. The committee may authorize the requested payment, request more information, or decline the request for payment.

Approved as to form:

Matthew Gigliotti
City Attorney