

ORDINANCE NO. 1193

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA AMENDING THE TOWN OF WICKENBURG CODE CHAPTER 4 ADMINISTRATION, ARTICLE 4-2 OFFICERS, BY AMENDING SECTION 4-2-1 TOWN MANAGER, SUBSECTION H RELATED TO TOWN MANAGER'S AUTHORITY TO SETTLE CLAIMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona as follows:

Section 1. In General.

The Code of Wickenburg, Chapter 4 Administration, Article 4-2 Officers, Section 4-2-1 Town Manager is hereby amended by amending Subsection H to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

Section 4-2-1 Town Manager

H. Powers and Duties. The Town Manager shall be the Chief Administrative Officer of the Town government and shall be responsible to the Council for the proper administration of all affairs of the Town under the specific direction and control of the Council. In addition to the general powers as the Chief Executive Officer and the head of the administrative branch of the Town government, and not as a limitation thereon, it shall be the Manager's responsibility and duty and the Manager shall have the power:

* * *

17. AUTHORITY TO SETTLE CLAIMS.

A. The Town Manager is authorized to negotiate and settle on behalf of the Town, claims and disputes brought against the Town, its officers, appointees and employees, ~~for an amount not to exceed \$25,000.00~~ subject to the following conditions:

- A. 1. The Town Manager has investigated questions of liability and damages raised by the claim and have determined are reasonable dollar value of the claim.
- B. 2. The claim and any proposed settlement has been reviewed and approved by the Town Attorney.

3. The settlement is conditioned upon an appropriate written release by the claimant.
 4. THE CLAIM IS WITHIN THE SETTLEMENT AUTHORITY OF THE TOWN MANAGER AS PROVIDED IN SUBSECTION B BELOW.
- B. THE SETTLEMENT AUTHORITY OF THE TOWN MANAGER IS LIMITED AS FOLLOWS:
1. FOR CLAIMS AGAINST THE TOWN WHICH ARE COVERED BY THE TOWN'S INSURANCE, THE TOWN MANAGER IS AUTHORIZED TO PAY ANY DEDUCTIBLE OR SELF-INSURED RETENTION ASSESSED BY THE INSURANCE CARRIER, IF SUCH AMOUNT DOES NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).
 2. FOR CLAIMS PRESENTED TO THE TOWN OR DISPUTES INVOLVING THE TOWN NOT COVERED BY THE TOWN'S INSURANCE, THE TOWN MANAGER SHALL HAVE AUTHORITY TO SETTLE SUCH CLAIMS AND DISPUTES FOR AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000.00). IN ADDITION TO TOWN ATTORNEY REVIEW AND APPROVAL, SUCH SETTLEMENTS SHALL BE REVIEWED AND APPROVED BY THE TOWN ENGINEER IF THEY INVOLVE EASEMENT AND PROPERTY ACQUISITIONS OR CONDEMNATION ACTIONS INITIATED BY THE TOWN.
- C. SETTLEMENT OF ALL OTHER CLAIMS WHICH CANNOT BE RESOLVED WITHIN THE PARAMETERS SET FORTH ABOVE SHALL BE SUBMITTED TO THE COUNCIL FOR REVIEW AND APPROVAL OR DENIAL.
- D. THE TOWN MANAGER SHALL SUBMIT TO THE COUNCIL A MONTHLY REPORT OF ALL CLAIMS SETTLED UNDER THIS AUTHORITY.

Section II. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 19th day of February, 2019.

By: Everett Sickles
Everett Sickles, Mayor

ATTEST:

By: Amy Brown
Amy Brown, Town Clerk

APPROVED AS TO FORM:

By: Trish Stuhan, Gust Rosenfeld PLC
Town Attorneys

Number of Councilmembers Present: 6
Number of Votes For: 6
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1193 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 19th day of February, 2019, and that a quorum was present at the meeting.

Amy Brown
Amy Brown, Town Clerk