

ORDINANCE NO. 1241

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, AMENDING THE CODE OF THE TOWN OF WICKENBURG, ARIZONA, CHAPTER 4 ADMINISTRATION, ARTICLE 4-2 OFFICERS, SECTION 4-2-1 TOWN MANAGER, SUBSECTION H – POWERS AND DUTIES, BY REPEALING SUBSECTION 17 – AUTHORITY TO SETTLE CLAIMS AND REPLACING IT WITH A NEW SUBSECTION 17; RELATED TO SETTLEMENT OF CLAIMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Common Council of the Town of Wickenburg desires to provide clarity regarding the Town Manager and insurance carrier's authority to settle claims against the town; and

WHEREAS, the proposed amendment will ensure that the Town Council maintains appropriate oversight over settlement agreements while providing clear and efficient processing of claims;

NOW, THEREFORE, 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, Subsection H – Powers and Duties, is amended by repealing Subsection 17 – Authority to Settle Claims and replacing it with a new Subsection 17 to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

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, subject to the following conditions:~~

~~(1) The Town Manager has investigated questions of liability and damages raised by the claim and have determined a reasonable dollar value of the claim.~~

~~(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 provides 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.~~

a. WHEN A CLAIM IS COVERED BY INSURANCE AND IS MORE THAN THE TOWN'S DEDUCTIBLE:

(1) THE TOWN RISK MANAGER SHALL SUBMIT THE CLAIM TO THE TOWN'S INSURANCE CARRIER AND COOPERATE IN INVESTIGATION AND DEFENSE OF THE CLAIM.

(2) THE INSURANCE CARRIER MAY RESOLVE AND/OR SETTLE THE CLAIM IF THE SETTLEMENT AMOUNT FALLS WITHIN THE MONETARY PARAMETERS OF THE TOWN'S INSURANCE POLICY OR IS OTHERWISE WITHIN SETTLEMENT AUTHORITY OF THE CARRIER PURSUANT TO APPLICABLE POLICY.

(3) IF THE PROPOSED SETTLEMENT AMOUNT EXCEEDS THE POLICY'S MONETARY PARAMETERS OR INVOLVES NON-MONETARY RELIEF:

i. THE TOWN ATTORNEY SHALL REVIEW THE CLAIM, PROPOSED SETTLEMENT AND RELEASE, AND MAKE A RECOMMENDATION TO THE TOWN MANAGER REGARDING SETTLEMENT; AND

ii. THE TOWN MANAGER MAY APPROVE SETTLEMENT WITH PAYMENT UP TO TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) IN EXCESS OF ANY POLICY LIMITS. ANY LIABILITY EXCEEDING TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) SHALL REQUIRE TOWN COUNCIL APPROVAL.

(4) THE TOWN MANAGER SHALL REVIEW AND MONITOR ALL CLAIMS AND PROVIDE THE COUNCIL WITH QUARTERLY REPORTS DETAILING ALL CLAIMS SUBMITTED TO THE INSURANCE CARRIER PURSUANT TO THIS SECTION.

b. WHEN A CLAIM IS NOT COVERED BY INSURANCE OR IS LESS THAN THE TOWN'S DEDUCTIBLE:

(1) THE TOWN MANAGER IS AUTHORIZED TO NEGOTIATE AND SETTLE UNCOVERED CLAIMS ON BEHALF OF THE TOWN, INCLUDING CLAIMS AGAINST ITS OFFICERS, APPOINTEES, AND EMPLOYEES, SUBJECT TO THE FOLLOWING CONDITIONS:

i. THE TOWN MANAGER HAS INVESTIGATED QUESTIONS OF LIABILITY AND DAMAGES AND DETERMINED A REASONABLE DOLLAR VALUE OF THE CLAIM.

ii. THE CLAIM AND ANY PROPOSED SETTLEMENT HAS BEEN REVIEWED AND APPROVED BY THE TOWN ATTORNEY (AND THE TOWN ENGINEER FOR EASEMENT AND PROPERTY ACQUISITIONS OR CONDEMNATION ACTIONS INITIATED BY THE TOWN ONLY).

iii. THE SETTLEMENT IS CONDITIONED UPON AN APPROPRIATE WRITTEN RELEASE BY THE CLAIMANT.

iv. THE TOTAL SETTLEMENT AMOUNT DOES NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).

v. ANY SETTLEMENT IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) SHALL REQUIRE TOWN COUNCIL APPROVAL.

(2) THE TOWN MANAGER SHALL PROVIDE THE COUNCIL WITH QUARTERLY REPORTS DETAILING ALL CLAIMS SETTLED PURSUANT TO THIS SECTION.

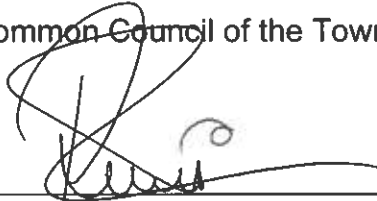
Section II. Repeal of Conflicting Ordinance.

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 Common Council of the Town of Wickenburg, Arizona, this 3rd day of September 2024.



Rui Pereira, Mayor

ATTEST:



Amy Brown, Town Clerk

APPROVED AS TO FORM:



Trish Stuhan, Town Attorney
Pierce Coleman PLLC

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0

I, Amy Brown, Town Clerk, hereby certify that a true and correct copy of the Ordinance No. 1241 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, on the 3rd day of September 2024, and that a quorum was present at the meeting.



Amy Brown, MMC
Town Clerk