

ORDINANCE NO. 1248

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. 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 the 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:~~

- ~~(A) The Town Attorney shall review the claim, proposed settlement and release, and make a recommendation to the Town Manager regarding settlement; and~~
 - ~~(B) 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:~~
 - ~~(A) The Town Manager has investigated questions of liability and damages and determined a reasonable dollar value of the claim.~~
 - ~~(B) 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).~~
 - ~~(C) The settlement is conditioned upon an appropriate written release by the claimant.~~
 - ~~(D) The total settlement amount does not exceed twenty-five thousand dollars (\$25,000.00)~~
 - ~~(E) 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.~~
- A. MATTERS NOT TENDERED TO AND/OR COVERED BY INSURANCE OR RISK POOL

- (1) WHEN A CLAIM, EMPLOYMENT DISPUTE, CONTRACT DISPUTE, OR OTHER LIABILITY MATTER IS NOT COVERED BY INSURANCE OR IS NOT TENDERED TO AN INSURER OR RISK POOL, THE TOWN MANAGER IS AUTHORIZED TO NEGOTIATE AND SETTLE SUCH MATTER UP TO \$49,999.99, SUBJECT TO:
 - (A) REVIEW AND APPROVAL BY THE TOWN ATTORNEY;
 - (B) EXECUTION OF AN APPROPRIATE WRITTEN RELEASE OR SETTLEMENT AGREEMENT; AND
 - (C) DETERMINATION THAT SUFFICIENT FUNDS ARE AVAILABLE WITHIN AN APPROVED BUDGET.

- (2) ANY SETTLEMENT OF \$50,000 OR GREATER SHALL REQUIRE TOWN COUNCIL APPROPRIATION AND DESIGNATION OF FUNDS PRIOR TO PAYMENT.

B. MATTERS TENDERED TO AND/OR COVERED BY INSURANCE OR RISK POOL

- (1) WHEN A CLAIM, DEMAND, SUIT, OR OTHER LIABILITY MATTER IS COVERED UNDER AN INSURANCE POLICY OR RISK POOLING AGREEMENT AND IS TENDERED FOR HANDLING, THE INSURER OR RISK POOL RETAINS THE EXCLUSIVE RIGHT TO INVESTIGATE, DEFEND, AND SETTLE THE MATTER PURSUANT TO THE APPLICABLE COVERAGE AGREEMENT.
- (2) THE TOWN SHALL COOPERATE AS REQUIRED UNDER THE APPLICABLE POLICY OR COVERAGE AGREEMENT.
- (3) THE TOWN MANAGER IS AUTHORIZED TO APPROVE PAYMENT OF THE TOWN-FUNDED PORTION OF ANY COVERED MATTER UP TO \$49,999.99, INDEPENDENT OF ANY DEDUCTIBLE AMOUNT.
- (4) IF THE TOWN-FUNDED PORTION EXCEEDS \$49,999.99, THE MATTER SHALL BE PRESENTED TO THE TOWN COUNCIL FOR APPROPRIATION AND DESIGNATION OF FUNDS.
- (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT THE CONTRACTUAL RIGHTS OF ANY INSURER OR RISK POOLING AGREEMENT TO INVESTIGATE, DEFEND, OR SETTLE ANY MATTER ONCE TENDERED.

C. THE TOWN MANAGER SHALL PROVIDE THE COUNCIL WITH QUARTERLY REPORTS DETAILING ALL CLAIMS.

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 20th day of April 2026.


BG Bratcher, 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 Ordinance No. 1248 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, on the 20th day of April 2026, and that a quorum was present at the meeting.


Amy Brown, MMC
Town Clerk