

MARANA ORDINANCE NO. 2024.026

RELATING TO ADMINISTRATION; REVISING MARANA TOWN CODE TITLE 3 (ADMINISTRATION), CHAPTER 3-5 (CLAIMS AND SETTLEMENT), SECTIONS 3-5-1 (CLAIMS ADMINISTRATION) AND 3-5-2 (SETTLEMENT AUTHORITY) TO CLARIFY ROLES, RESPONSIBILITIES, AND AUTHORITY RELATED TO CLAIMS AND SETTLEMENTS; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town Manager is authorized by Marana Town Code Section 3-2-1(G)(1) to execute, on behalf of the Town Council, general administrative supervision and control of the affairs of the Town; and

WHEREAS the Town Attorney is authorized by Town Code Section 3-2-7(C)(6) to prosecute and defend all suits, actions or causes where the Town is a party; and

WHEREAS the Town Council is authorized by A.R.S. § 9-240 to control the finances of the Town; and

WHEREAS, on September 2, 2014, the Town Council adopted Ordinance No. 2014.022, adding Chapter 3-5 entitled "Claims and Settlement" to the Marana Town Code, authorizing the Town Manager, in consultation with the Town Attorney, to settle claims by and against the Town under the amount of \$15,000; and

WHEREAS the Town Council finds that the revisions to Marana Town Code Chapter 3-5 set forth in this ordinance are in the best interests of the Town of Marana.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 3 (Administration), Chapter 3-5 (Claims and Settlement) is hereby amended as follows (with additions shown with double underlining and deletions show with ~~strikethroughs~~):

3-5-1 Claims administration

- A. The town manager, in consultation with the town attorney and the risk manager, shall establish procedures to process, evaluate, investigate and report claims filed against the town.
- B. The town attorney is authorized to file such claims, counter-claims, or third-party claims, and to take such other legal action, as may be necessary to seek subrogation and reimbursement or to collect for damages sustained by the town.

3-5-2 Settlement authority

- A. Whenever any contemplated settlement of a claim by or against the town is for the sum of not more than \$15,000, after due consideration and in the best interest of the residents of the town, the town manager, in consultation with the town attorney and the risk manager, is authorized to settle the claim.
- B. ~~No settlement~~ The town manager shall not settle a claim of more than \$15,000 ~~shall be entered into~~ except with the approval of the council.
- C. The town's insurance provider is authorized to enter into settlements ~~or~~ in accordance with the provisions of the town's coverage agreement with ~~its~~ the insurance provider.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

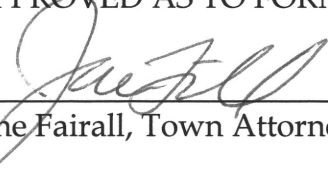
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance is effective on the 31st day after its adoption.


PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 14th day of December 2024.



Jon Post, Vice Mayor

APPROVED AS TO FORM:


Jane Fairall, Town Attorney

ATTEST:


David L. Udall, Town Clerk

