

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SUBSECTION (b) TO SECTION 7-910 OF THE FRESNO MUNICIPAL CODE, RELATING TO THE PROCEDURE FOR COLLECTION COMPROMISE AND WRITE-OFF OF CLAIMS OF THE CITY AGAINST OTHERS.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection (b) of Section 7-910 of the Fresno Municipal Code is amended to read:

(b) Procedure by City Attorney.

(1) The City Attorney shall pursue collection and may, in furtherance of such collection:

(i) Accept a promissory note to repay the claim over a period of time;

(ii) File an action in the appropriate court to secure a judgment; or

(iii) Assign the claim, promissory note, or judgment to a collection agency.

(2) When the City Attorney determines it is in the best interest of the city to do so, considering the cost of collection and the merits of the claim, he may:

(i) Authorize the Controller to accept a compromise settlement and write-off the balance of the claim as uncollectible, where the amount of the write-off does not exceed fifteen thousand dollars (\$15,000.00);

Date Adopted:

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Date Approved

Effective Date:

City Attorney Approval: _____

KJ

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(ii) Authorize the Controller to file an action in Small Claims Court and write-off any amount in excess of such court's jurisdiction, where the amount of the write-off does not exceed fifteen thousand dollars (\$15,000.00); or

(iii) Authorize the Controller to write-off the claim in full where the amount of the write-off does not exceed fifteen thousand dollars (\$15,000.00).

(3) For claims in excess of fifteen thousand dollars (\$15,000), when the City Attorney determines it is in the best interest of the City to accept a compromise settlement of the claim and write-off the balance as uncollectible, or to write-off the claim in full as uncollectible, he shall:

(i) Submit the matter to the Chief Administrative Officer for approval where the amount of the write-off is up to fifty thousand dollars (\$50,000);

(ii) In the case of code enforcement fines, penalties, abatement costs, attorney fees, interest, and liens, submit the matter to the Chief Administrative Officer for approval where the amount of the write-off is up to one hundred thousand dollars (\$100,000);

[(iii) In the case of third-party subrogation cases relating to workers' compensation claims and/or property reimbursements, submit the matter to the Chief Administrative Officer for approval where the amount of write-off of workers' compensation costs and property damage is up to one hundred fifty thousand dollars (\$150,000).]

~~(iii)~~(iv) Submit the matter to the Council for approval where the amount of the write-off, other than as provided in subsection[s] (ii) [and (iii)] above, exceeds fifty thousand dollars (\$50,000.00).

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Kenneth J. Jorgensen Date
Deputy