



BILL NO. B-68

ORDINANCE NO. 2017-66

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: 12/07/2017

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Date Approved: 12/18/2017

Effective Date: 01/18/2018

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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 7th day of December, 2017.

AYES : Baines, Brandau, Bredefeld, Caprioglio, Chavez, Soria, Olivier
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: December 18th, 2017
Mayor Approval/No Return: N/A, 2017
Mayor Veto: N/A, 2017
Council Override Vote: N/A, 2017

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

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

BY: Kenneth J. Jorgensen 12/19/17
Kenneth J. Jorgensen Date
Deputy

KJJ:sn [72463sn/ORD] 10/25/17



December 8, 2017

Council Adoption: 12/7/2017

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR LEE BRAND

FROM: BRIANA PARRA

Assistant City Clerk

REC'D DEC 18 '17 PM 2:58
FRESNO CITY CLERK

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 12/7/2017, Council adopted the attached Ordinance No. 2017-66 entitled **BILL NO. B-68- Amending Subsection (b) of Section 7-910 of the Fresno Municipal Code, relating to collection compromise and write-off of claims of the City against others, ID#17-1596** by the following vote:

Ayes	:	Baines, Brandau, Bredefeld, Caprioglio, Chavez, Olivier and Soria
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before December 18, 2017. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Lee Brand, Mayor

Date: 12-18-17

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	: