

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1588

Short Title: Monroe Claims Settlement. (Local)

Sponsors: Representative Gibson.

Referred to: Local Government I.

May 20, 2004

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW
3 THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER
4 TO SETTLE CERTAIN CLAIMS AGAINST THE CITY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 4.9 of the Charter of the City of Monroe, being S.L.
7 2003-35, reads as rewritten:

8 "Section 4.9. ~~Settlement of Claims by City Manager. Claims.~~ The Council may
9 authorize the City Manager to settle claims against the City for (i) personal injuries or
10 damages to property when the amount involved does not exceed the sum of five
11 thousand dollars (\$5,000) and does not exceed the actual loss sustained, including loss
12 of time, medical expenses, and any other expenses actually incurred; and (ii) the taking
13 of small portions of private property which are needed for the rounding of corners at
14 intersections of streets, when the amount involved in any such settlement does not
15 exceed five thousand dollars (\$5,000) and does not exceed the actual loss sustained.
16 Settlement of a claim by the City Manager pursuant to this section shall constitute a
17 complete release of the City from any and all damages sustained by the person involved
18 in such settlement in any manner arising out of the incident, occasion, or taking
19 complained of. All such settlements and all such releases shall be approved in advance
20 by the City Attorney. adopt an ordinance that delegates to the City Manager the
21 authority, upon consultation and recommendation of the City Attorney, to improve
22 settlements on behalf of the City in all claims or lawsuits of any kind or nature
23 involving the City, including, but not limited to, tort claims, land condemnation, and
24 civil penalties issued by the City, and to execute any and all documents, including
25 releases, necessary for the settlement of such claims or lawsuits, when the monetary
26 amount involved does not exceed an amount set forth by the Council in the ordinance.
27 Settlement of a claim by the City Manager pursuant to this section shall constitute a
28 complete release of the City from any and all damages sustained by the person involved
29 in such settlement in any manner arising out of the incident, occasion, or taking

1 complained of. All such settlements entered into pursuant to this section shall be
2 reported to the City Council in a timely manner and shall be subject to the applicable
3 provisions of the Public Records Law as set forth in Chapter 132 of the General
4 Statutes."

5 **SECTION 2.** This act becomes effective July 1, 2004.