

ORDINANCE NO. 66

**AN ORDINANCE TO ADOPT PROCEDURES  
GOVERNING THE HANDLING OF CLAIMS  
AGAINST THE CITY OF HAMPTON, GEORGIA**

WHEREAS, the Mayor and Council, in the exercise of their sound judgment and discretion, after giving thorough thought to all the implications involved, and keeping in mind the public interest and welfare of the citizens of the City of Hampton, deem it necessary to adopt procedures for the handling of claims against the City of Hampton;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF, THAT THE CODE OF THE CITY OF HAMPTON IS HEREBY AMENDED AS FOLLOWS:

Any previous Ordinances adopted by the City concerning the handling of claims against the City are hereby repealed in their entirety and the following adopted in their stead:

**SECTION 1: All Claims To Be In Writing: Form Of Claims**

All claims for damage or loss against the City of Hampton are to be in writing, attested to under oath, and signed and dated by the claimant; if a claim is submitted by a claimant's representative, the claimant must nevertheless attest to and sign the claim. The claim is to be addressed to the Mayor and Council, and shall be entitled "Notice of Claim."

**SECTION 2: Delivery Of Notice Of Claim**

All Notices of Claims are to be hand delivered to the City Clerk, who shall date stamp the receipt on the Notice of Claim itself; alternatively, the claim may be mailed to the attention of the City Clerk, by registered mail, return receipt requested, and the City Clerk shall date stamp the receipt of each Notice of Claim on the notice itself.

**SECTION 3: Content of Notice of Claim**

All Notices of Claims shall describe in detail:

- (a) the date, time and place of the incident or loss in question;
- (b) the identity of any city employees or officials involved or connected in any way with the incident or loss;
- (c) the nature of the incident allegedly resulting in the damage or loss;
- (d) the dollar amount of the claimant's alleged injury or loss; and
- (e) a description of all meetings or discussions between the claimant and any city employee or official wherein the claim was discussed or investigated, including:

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WHEREAS, the Mayor and Council, in the exercise of their sound judgment and discretion, after giving thought to all the implications involved, and keeping in mind the public interest and welfare of the citizens of the City of Hampton, deem it necessary to adopt procedures for the handling of claims against the City of Hampton;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE CITY OF HAMPTON, GEORGIA, THAT THE CODE OF THE CITY OF HAMPTON IS HEREBY AMENDED AS FOLLOWS:

Section 1. The Ordinance adopted by the City concerning the handling of claims against the City are hereby repealed in their entirety and the following adopted in their stead:

Section 2. Form Of Claims To Be In Writing:

All claims for damage or loss against the City of Hampton are to be in writing, stated in an affidavit, and signed and dated by the claimant; if a claim is submitted by a claimant's representative, the claimant must nevertheless attest to and sign the claim. The claim is to be addressed to the Mayor and Council, and shall be entitled "Notice of Claim."

Section 3. Delivery Of Notice Of Claim:

All notices of claims are to be hand delivered to the City Clerk, who shall file a receipt on the Notice of Claim itself; alternatively, the claim may be mailed to the attention of the City Clerk by registered mail, return receipt requested. The City Clerk shall date stamp the receipt of each Notice of Claim on the notice itself.

Section 4. Content Of Notice Of Claim:

All Notices of Claims shall describe in detail:

- (a) the date, time and place of the incident or loss in question;
- (b) the identity of any city employees or officials involved or connected in any way with the incident or loss;
- (c) the nature of the incident allegedly resulting in the damage or loss;
- (d) the dollar amount of the claimant's alleged injury or loss; and
- (e) a description of all meetings or discussions between the claimant and any city employee or official wherein the claim was discussed or investigated.

- (i) the date and place of the meeting or discussion;
- (ii) the identify of each and every city employee or official involved in the meeting or discussion; and
- (iii) a description of any statements or representations made by any city employee or official.

**SECTION 4: Accompanying Documents In Support Of Claim**

Each Notice of Claim shall be accompanied by any and all receipts, estimates, appraisals, bills, invoices or other documents upon which the claimant relies in support of his/her claim for damage or loss.

**SECTION 5: Official Custodian Of Notices Of Claims: Notice Of Claim File**

The City Clerk is hereby designated as the official custodian of all Notices of Claims. The City Clerk shall maintain a "Notice of Claim File," which shall include an index of each Notice of Claim received by the City; the index shall be maintained in two (2) separate forms:

- (a) by the claimant's last name (including the date received); and
- (b) by chronological order received (i.e., by date received).

The original of each Notice of Claim and all accompanying documents thereto shall be kept in the Notice of Claim File.

**SECTION 6: Procedure Upon Receipt Of Notice Of Claim**

Upon receipt of a Notice of Claim, the City Clerk shall apprise the claimant of any deficiencies in the form or content thereof; the City Clerk may return any Notice of Claim not in substantial compliance with this Ordinance, and shall maintain a written record of all Notices of Claims so returned. Upon receipt of each Notice of Claim in compliance with this Ordinance, and after indexing same in the Notice of Claim File referred to above, the City Clerk shall immediately transmit a copy of the Notice of Claim (together with any accompanying documents) to:

- (a) the Mayor and Council;
- (b) the City Attorney; and
- (c) the agent for each insurance company that may possibly have coverage for the loss or claim (by certified mail, return receipt requested).

BE IT RESOLVED, that this Ordinance shall become effective on the date that it is adopted by the City.

BE IT FURTHER RESOLVED, that any Ordinance that is in conflict herewith is hereby specifically repealed.

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable; and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Mayor and Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

First Reading: 6-12-90


Second Reading: 7-10-90

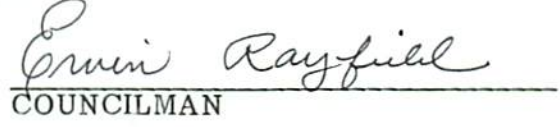
Adopted this 7<sup>TH</sup> day of JULY, 1990.

  
MAYOR

  
COUNCILMAN

  
COUNCILMAN

  
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COUNCILMAN

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COUNCILMAN

ATTEST:

  
CITY CLERK