

ORDINANCE NO. 2024-05

**ORDINANCE CONCERNING MAYORAL APPROVAL OF CERTAIN
CONTRACTS AND LITIGATION**

WHEREAS, from time to time, there is a need for the City to resolve small claims and/or initiate certain civil litigation related to the enforcement of the City's contracts and ordinances; and

WHEREAS, this Ordinance would provide for the Mayor to initiate and prosecute such matters.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINSON, ALABAMA, while in regular session on June __, 2024, at _____ p.m. as follows:

Section 1. Certain Settlements. The Mayor is authorized to approve, on behalf of the City, the settlement of any claims or expenses asserted against the City, where it: (i) provides for monetary payments that are fully paid by the City's insurance policy(ies), and/or for an amount paid by the City of \$10,000.00 or less per occurrence; (ii) does not admit any liability on the part of the City; and (iii) does not require any other contractual obligation of the City (except for routine provisions relating to the manner of dismissing/resolving the claim, or observing normal policies and practices of the City).

Section 2. Certain Litigation. The Mayor is authorized to initiate and prosecute civil lawsuits or other civil legal actions, on behalf of the City, where: (i) the City is owed a sum certain by a person(s) or entity(ies) relating to a breach of contract; or unpaid fees, assessments, or other charges resulting from the application of a law.

ordinance, or regulation, and the City seeks compensation therefor; (ii) the City is seeking to compel a person(s) or entity(ies) to perform an obligation(s) owed to the City pursuant to contract; (iii) the City is seeking to enforce compliance with an ordinance of the City, including but not limited to, the City's zoning ordinance; and/or (iv) the City is in possession of certain property to which multiple persons and/or entities assert competing claims, and the City seeks a judicial determination relieving the City of liability therefor.

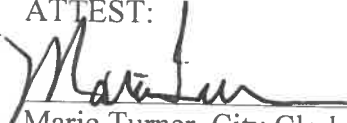
Section 3. If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

ADOPTED AND APPROVED THIS THE 14 DAY OF JUNE, 2024.



JOE COCHRAN, MAYOR

ATTEST:



Marie Turner, City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Marie Turner, City Clerk of the City of Pinson, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Pinson, Alabama, on the 6th day of June, 2024.

Witness my hand and seal of office this 6th day of June, 2024.



Marie Turner, City Clerk