

RESOLUTION NO. 2022-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
ESTABLISHING SETTLEMENT AND AWARD AUTHORITY OF THE RISK MANAGER
AND CITY ATTORNEY

WHEREAS, the City of Huntington Beach on January 3, 1997, by Resolution No. 4577 authorized the establishment of a Claims Review Committee and said committee was established and functioning since 1978; and

The City of Huntington Beach on August 22, 1983, by Resolution No. 5302, authorized the City Attorney to settle claims valued at \$5,000.00 or less; and

Resolution No. 4577 was amended by Resolution No. 5383 on June 4, 1984; and

Resolution No. 5383 was amended by Resolution No. 6080 on November 6, 1989; and

Resolution No. 2003-92 deleted the Claims Review Committee, increased the settlement authority of the Risk Manager and City Attorney, and repealed Resolution Nos. 4577, 5302, 5383, and 6080 on December 15, 2003; and

The City Council of the City of Huntington Beach wishes to differentiate between discretionary and non-discretionary settlement and award authority and to increase the authority of the Risk Manager to enter into workers' compensation agreements by repealing Resolution No. 2003-92, and replacing it with the following resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

SECTION 1. When the City of Huntington Beach is a legal claimant or when it is determined that the City is partially or fully liable by reason of an incident, accident, or any other cause of action resulting in a claim, potential claim, or suit, excluding workers' compensation, against the City, the claims may be settled as follows:

- (a) The Risk Manager or City Attorney may authorize settlement in an amount not to exceed Fifteen Thousand Dollars (\$15,000.00).
- (b) The City Attorney, with the consent of the Risk Manager, may authorize settlement in an amount not to exceed Fifty Thousand Dollars (\$50,000.00) in accordance with Government Code Section 935.4, and thereupon execute and endorse all documents and drafts necessary to effect said settlement.

SECTION 2. The City enters into two types of workers' compensation agreements. The first type is a Stipulation with Request for Award, which sets a statutory, non-discretionary amount of permanent disability as rated by the State of California's Workers' Compensation Disability Evaluation Unit. The second type is a Compromise and Release Agreement, which is a final, discretionary settlement of the future medical care of the injured worker related to a

claim. When the City of Huntington Beach seeks to enter into workers' compensation agreements, the claims may be settled as follows:

- (a) The Risk Manager is authorized to agree to resolve workers' compensation claims as relates to Stipulations with Request for Award in an amount not to exceed One Hundred and Fifty Thousand Dollars (\$150,000), and thereupon execute and endorse all documents and drafts necessary to effect said award.
- (b) The Risk Manager is authorized to settle workers' compensation claims as relates to Compromise and Release Agreements in an amount not to exceed Fifty Thousand (\$50,000), and thereupon execute and endorse all documents and drafts necessary to affect said settlement.

SECTION 3. Upon receipt of a written request from the City Attorney or Risk Manager, specifying the amount agreed upon to settle a claim, the City Treasurer shall cause a warrant to be drawn on the City treasury therefore. The City Attorney shall approve as to form Compromise and Release Agreements prior to payment to a claimant or his or her attorney.

SECTION 4. Resolution No. 2003-92 is hereby repealed.

PASSED AND ADOPTED by the City Council of Huntington Beach at a regular meeting thereof held on the _____ day of _____ 2022.

Mayor

REVIEWED AND APPROVED:

APPROVED AS TO FORM:

Interim City Manager

City Attorney *me*

INITIATED AND APPROVED:

B. Mello

Director of Administrative Services