

RESOLUTION NO. 2003-92

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HUNTINGTON BEACH
ESTABLISHING SETTLEMENT AUTHORITY OF
THE RISK MANAGER AND CITY ATTORNEY,
AND DELETING THE SETTLEMENT COMMITTEE

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 has been functioning since 1978; and

The City of Huntington Beach on August 22, 1983, by Resolution 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

The City Council of the City of Huntington Beach wishes to delete the authority of the Claims Review Committee and increase the authority of the Risk Manager and City Attorney to enter into settlement agreements by repealing Resolution Nos. 4577, 5302, 5383 and 6080, and replacing them with the following resolution,

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

SECTION 1. There is hereby deleted the Claims Review Committee of the City of Huntington Beach.

SECTION 2. 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 3. The Risk Manager is authorized to settle workers' compensation claims in an amount not to exceed Fifty Thousand Dollars (\$50,000.00), and thereupon execute and endorse all documents and drafts necessary to effect said settlement.

SECTION 4. 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 agreements of compromise settlement and release prior to payment to a claimant or his or her attorney.

SECTION 5. Resolution Nos. 4577, 5302, 5383, 6080 and all resolutions in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 15th day of December 2003.

ATTEST:

Connie Brockway
City Clerk

Cathy Jones
Mayor

REVIEWED AND APPROVED:

Ray Liber
City Administrator

INITIATED AND APPROVED AS TO FORM:

Jennifer M. Grant
11/19/03 City Attorney