

CITY OF SACRAMENTO

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June 21, 1983

Honorable City Council
City of Sacramento
City Hall
Sacramento, California

In re: Resolution Increasing Settlement
Authority in Tort Liability Cases

Members in Session:

SUMMARY

We attach a draft of a resolution which would increase the settlement authority of the City staff and the Law and Legislation Committee in tort liability cases. The Law & Legislation Committee, at its meeting on June 16, 1983, unanimously recommended approval of this resolution.

BACKGROUND INFORMATION

The only changes in the attached resolution are in the first four paragraphs. The current authority to settle tort liability cases is as follows:

1. Approval of claims by City Manager or his designee - \$5,000 or less;
2. Approval of claims by Law and Legislation Committee - in excess of \$5,000, to and including \$15,000;
3. Approval of claims by City Council - in excess of \$15,000.

The attached resolution would increase the settlement authority as follows:

1. Approval of claims by City Manager or his designee - \$7,500 or less;
2. Approval of claims by City Manager or his designee, and the City Attorney - in excess of \$7,500, to and including \$10,000;
3. Approval of claims by Law and Legislation Committee - in excess of \$10,000, to and including \$25,000;

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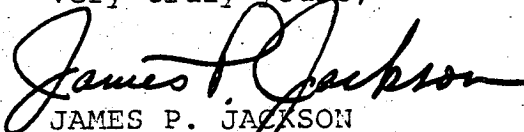
4. Approval of claims by City Council - in excess of \$25,000.

The increased authority is requested in order to keep pace with inflation. The current settlement authority for City staff has not been changed since at least 1970. Also, we need a more expeditious way of handling lower value claims because of the increasing caseload. The City Council recently approved increases in the settlement authority for workers compensation claims. The settlement limits approved for workers compensation are higher than those requested here for tort liability claims.

RECOMMENDATION

The City Manager and the Law and Legislation Committee recommended that the attached resolution be approved by the City Council.

Very truly yours,


JAMES P. JACKSON
City Attorney

JPJ:kn

Attachment

June 28, 1983
All Districts

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

A RESOLUTION RELATING TO SETTLEMENT AUTHORITY IN TORT LIABILITY CASES AND WORKERS COMPENSATION CASES AND REPEALING RESOLUTION NO. 83-168

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that Resolution No. 83-168 is hereby repealed.

BE IT FURTHER RESOLVED THAT:

1. The City Manager, or designee, is hereby authorized to approve on behalf of the City of Sacramento the settlement of tort liability litigation and claims when such settlement is in the amount of \$7,500 or less.

2. The City Manager, or designee, with the approval of the City Attorney, is hereby authorized to approve on behalf of the City of Sacramento the settlement of tort liability litigation and claims when such settlement is in an amount greater than \$7,500 and does not exceed \$10,000.

3. The Law and Legislation Committee of the City Council is hereby declared to be a "claims board" as provided in Government Code Section 935.2. The "claims board" is authorized to approve on behalf of the City of Sacramento, by a vote of no less than three (3) members of the Committee, the settlement of tort liability litigation and claims when such settlement is greater than \$10,000 and does not exceed \$25,000.

4. The City Council shall approve the settlement of tort liability litigation and claims when such settlement exceeds \$25,000.

5. The Law and Legislation Committee and the City Manager are hereby authorized to take the action necessary under Government Code Sections 935.2 and 935.4 to authorize payment of any settled tort liability claims or litigation.

6. The Workers Compensation Claims Manager is hereby authorized to approve on behalf of the City of Sacramento the settlement of workers compensation litigation and claims when such settlement is in the amount of \$15,000 or less.

7. A committee composed of the Workers Compensation Claims Manager, the Risk Management Manager, and the City Attorney, or designated representative, is authorized to approve on behalf of the City of Sacramento settlement of workers compensation litigation and claims where such settlement is more than \$15,000 and does not exceed \$20,000.

8. The Law and Legislation Committee of the City Council is hereby authorized to approve on behalf of the City of Sacramento, by a vote of no less than three members of the Committee, the settlement of workers compensation litigation and claims when such settlement is more than \$20,000 and does not exceed \$30,000.

9. The City Council shall approve the settlement of workers compensation litigation and claims when such settlement is more than \$30,000.

MAYOR

ATTEST:

CITY CLERK