

## RESOLUTION NO. 17-89

### **Resolution Of The City Council Of The City Of Emeryville Adopting A Policy On The Delegation Of Authority Regarding Claims And Actions Against The City Of Emeryville And Claims And Actions Of The City Of Emeryville; And Rescinding Resolution No. 13-154**

**WHEREAS**, Government Code Section 935.4 allows a local public entity to adopt resolutions authorizing an employee to allow, compromise, or settle claims filed under the Government Tort Claims Act against the entity, up to \$50,000; and

**WHEREAS**, Government Code Section 949 authorizes the governing body of a local public entity to delegate its authority to compromise any pending action to its attorney or any employee; and

**WHEREAS**, the City Council of the City of Emeryville adopted Resolution No. 13-154, authorizing the City Manager to resolve claims and actions against the City and claims and actions of the City, for amounts not to exceed \$25,000; and

**WHEREAS**, the City Council desires to increase efficiency of the claims and litigation process by increasing the settlement authority of the City Manager to \$45,000; now therefore, be it

**RESOLVED**, the City Council of the City of Emeryville hereby rescinds Resolution No. 13-154; and be it further

**RESOLVED**, that the City Council of the City of Emeryville establishes the following policy regarding claims and actions as follows:

1. The City Manager is hereby authorized to allow, deny, allow in part, settle or compromise any claim or action for money or damages against the City of Emeryville or its officers or employees, provided its disposition is not otherwise directed by the City Council or by statute, ordinance, resolution, insurance policy or self-insurance pooling agreement, subject to the following conditions:
  - a. The amount to be paid pursuant to such allowance, settlement or compromise does not exceed \$45,000; and
  - b. The concurrence of the City Attorney is obtained.
2. The City Manager is hereby authorized to collect, settle, compromise, release or dismiss any claim of the City of Emeryville provided its disposition is not otherwise directed by City Council or by statute, ordinance, resolution, insurance policy or agreement, subject to the following conditions:
  - a. The amount of the claim does not exceed \$45,000; and
  - b. The concurrence of the City Attorney is obtained.

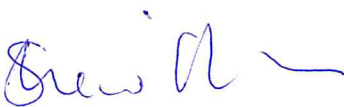
3. The City Manager is hereby authorized and directed to perform all functions of the City Council of the City of Emeryville which are provided for in Part 3 (commencing with Section 900) and Part 4 (commencing with section 940) Division 3.6, Title 1, California Government Code, or in Emeryville Municipal Code, subject to the conditions and limitations set forth above.

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, June 20, 2017, by the following vote:

AYES:	<u>5</u>	Mayor Donahue, Vice Mayor Bauters and Council Members Martinez, Medina and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

  
MAYOR

ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY