

## **RESOLUTION NO. 2009-229**

Adopted by the Sacramento City Council

April 21, 2009

### **AUTHORIZING INCREASED SETTLEMENT AUTHORITY IN TORT AND WORKERS' COMPENSATION CASES AND REPEALING RESOLUTION 2005-729**

#### **BACKGROUND**

- A. Resolution 2005-729 provides settlement authority to employees of the City of Sacramento up to \$25,000 for tort claims. Resolution 2005-729 also created the Tort Claims Committee which has authority to settle tort claims up to \$50,000.
- B. Resolution 2005-729 also provides settlement authority on workers' compensation claims to the Workers' Compensation Manager up to \$15,000, and for the City Manager, or designee, up to \$25,000. Resolution 2005-729 also created the Workers' Compensation Claims Committee, which has authority to settle workers' compensation claims up to \$50,000.
- C. This Resolution authorizes a more efficient claims handling process by increasing the settlement authority to the Workers' Compensation Claims Committee to \$100,000, and for the Tort Claims Committee to \$100,000. The workers' compensation manager and Risk Manager may settle workers' compensation cases up to \$25,000, and the Risk Manager may settle workers' compensation cases up to \$50,000 with the concurrence of the City Attorney or designee. The settlement of workers' compensation claims in excess of \$50,000 up to \$100,000 would require approval by two of the three members of the Workers' Compensation Claims Committee. For tort claims, the Risk Manager may settle cases up to \$25,000, and may settle cases up to \$50,000 with the concurrence of the City Attorney or designee. The settlement of tort claims in excess of \$50,000 and up to \$100,000 would require approval by two of three members of the Tort Claims Committee. This resolution also repeals Resolution 2005-729.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1:

1. Resolution 2005-729 is repealed in its entirety.

Section 2:

2. Both the Human Resources Manager for workers' compensation and the Risk Manager are authorized to approve on behalf of the City of Sacramento the settlement of workers' compensation claims when such settlement does not exceed \$25,000.
3. The Risk Manager is authorized, with the concurrence of the City Attorney or designee, to approve on behalf of the City of Sacramento the settlement of workers' compensation claims when such settlement exceeds \$25,000, but is not greater than \$50,000 per individual party or claimant.
4. A committee to be known as the Workers' Compensation Claims Committee is hereby established, to be comprised of: (1) the Risk Manager; (2) the City Manager or designee; and (3) the City Attorney or designee, and is authorized to approve on behalf of the City of Sacramento the settlement of workers' compensation claims when such settlement exceeds \$50,000 but is not greater than \$100,000.
5. The City Council shall approve the settlement of workers' compensation claims when such settlement exceeds \$100,000.

Section 3:

6. The Risk Manager is authorized to approve on behalf of the City of Sacramento the settlement of tort claims when such settlement does not exceed \$25,000 per individual party or claimant.
7. The Risk Manager is authorized, with the concurrence of the City Attorney or designee, to approve on behalf of the City of Sacramento the settlement of tort claims when such settlement exceeds \$25,000, but is not greater than \$50,000 per individual party or claimant.
8. A committee to be known as the Tort Claims Committee is hereby established, to be comprised of: (1) the Risk Manager; (2) the City Manager or designee; and (3) the City Attorney or designee and is authorized to approve on behalf of the City of Sacramento the settlement of tort claims when such settlement exceeds \$50,000 but is not greater than \$100,000 per individual party or claimant.
9. The City Council shall approve the settlement of tort claims when such settlement exceeds \$100,000 per individual party or claimant, or when the total settlement of claims arising from a single incident exceeds \$100,000.

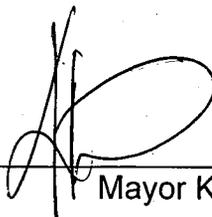
Adopted by the City of Sacramento City Council on April 21, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



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Mayor Kevin Johnson

Attest:



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Shirley Concolino, City Clerk