

RESOLUTION AMENDING COUNCIL POLICY NO. 000-9
REGARDING CLAIMS AGAINST THE CITY.

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

That Council Policy No. 000-9 regarding claims against the City be, and the same is hereby amended to read as follows:

BACKGROUND

Resolutions of the City Council rejected all bids for public liability insurance and authorized the Purchasing Agent to negotiate for excess comprehensive liability and false arrest coverage. Said negotiations have been completed and purchase of excess coverage in accordance with the terms of those negotiations have been authorized. Therefore, on August 1, 1970, the expiration date of our present insurance, the City will be in effect, self-insured for the greater portion of potential liability exposure throughout its operations. California Government Code Sections 935 et seq provide for the establishment of local procedures for the administration of claims.

PURPOSE

The purpose of this policy is to establish a procedure for the efficient administration of claims against the City by the creation of a commission pursuant to Government Code 935 et seq.

POLICY

- I. All claims shall be filed with the City Clerk
- II. The Claims and Insurance Division of the Department of Employee Services shall be a Commission herein called "Division" to administer claims against the City pursuant to Government Code 935 et seq and as hereinafter provided.

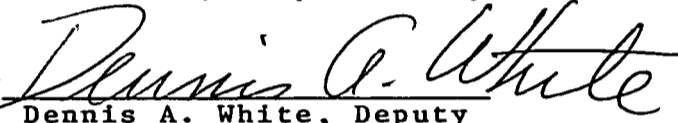
- III. All claims shall be investigated and adjusted by Division.
- IV. Division shall have the authority to allow, deny or compromise all claims wherein the amount paid in settlement does not exceed Five Thousand Dollars (\$5,000).
- V. All claims in an amount in excess of Five Thousand Dollars (\$5,000) not settled for less than that amount by the Division, shall be allowed or denied by Council resolution unless otherwise denied by operation of law. A claim denied by operation of law is recognized as denied by Government Code Section 912.4 when, after forty-five (45) days of filing of the claim, no City action is taken either by way of acceptance or denial.
- VI. Notification of denial of claims, whether by Division, by Council resolution or by operation of law will be made in writing to the claimant.
- VII. In all cases that are settled, Division shall obtain a warrant-check from the Auditor and Comptroller and forward it to the claimant in return for his properly signed and executed release. In the interests of efficient claims management, and where the liability exposure so indicates, Division may elect to pay portions of claimant's losses as they are incurred, securing partial release receipts to be applied to the full release at the termination of the claim.
- VIII. In all cases, Division shall seek the advice and consent of the City Attorney on questions of law.
- IX. In all cases in which a summons and complaint is served on the City, the case shall be forwarded to the City Attorney for legal action.
- X. In all cases of claims or suits or potential liability exposure in excess of the applicable self-insurance limits, Division shall in writing place the excess

coverage insurance carrier on notice of
the claim and coordinate investigation and
litigation with that carrier.

XI. Division will provide the Council with a
monthly tort claims statistical report. This
report shall reflect the City's claim volume
and expense experience in the self-insurance
program.

BE IT FURTHER RESOLVED, that Resolution No. 193581, be,
and the same is hereby rescinded.

APPROVED: JOHN W. WITT, City Attorney

By 
Dennis A. White, Deputy

cn/7/23/70

Revised Page 2
cn/7/28/70

Revised Page 3
mk/8/6/70

Passed and adopted by the Council of The City of San Diego on JUL 30 1970,
 by the following vote:

RECEIVED
 CITY CLERK'S OFFICE
 1970 JUL 24 PM 12:17
 SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
 Mayor of The City of San Diego, California.

JOHN LOCKWOOD
 City Clerk of The City of San Diego, California.

(Seal)

By Elfa F. Hamel, Deputy. *KR*

Office of the City Clerk, San Diego, California

Resolution Number 200428 Adopted JUL 30 1970