

(R-87-1835)

RESOLUTION NUMBER R- 268138

ADOPTED ON APR 20 1987

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

BE IT RESOLVED, by the Council of The City of San Diego, that Council Policy No. 000-9 entitled, "CLAIMS AGAINST THE CITY," be and it is hereby amended as set forth in the Council Policy filed in the office of the City Clerk as Document No. RR- 268138.

BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to add the aforesaid to the Council Policy Manual.

APPROVED: John W. Witt, City Attorney

By



Ted Bromfield
Chief Deputy City Attorney

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03/13/87
Or.Dept:Risk.Mgmt.
R-87-1835
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COUNCIL POLICY

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BACKGROUND

City Council amended this Council Policy on July 30, 1970 and on September 30, 1985 to establish a procedure for the efficient administration of claims against the City. This was done in accordance with the California Government Code, section 935 et seq. As was the case in 1970, the City continues to self-insure the greater portion of its potential liability and the purpose of this amended Council Policy is to provide for increased efficiency in the administration of all claims and lawsuits filed against the City.

PURPOSE

The purpose of this amended policy is to provide for an increased efficiency in the handling of all claims and lawsuits that are filed against the City up to and including twenty thousand dollars (\$20,000). All other claims will be administered in accordance with the procedure established by Council Policy 000-9 on July 30, 1970 and pursuant to California Government Code, section 935 et seq.

POLICY

- I. All claims shall be filed with the Director of Risk Management.
- II. The Claims and Insurance Division of the Department of Risk Management shall be a commission herein called "Division" to administrate claims against the City pursuant to Government Code 935 et seq. and as hereinafter provided.
- III. All claims shall be investigated adjusted by Division.
- Rev. - IV. Division shall have the authority to allow, deny or compromise all claims wherein the amount paid in settlement does not exceed twenty thousand dollars (\$20,000). Claims for damages will be allowed or compromised with the following conditions:
 1. Five thousand dollars (\$5,000) field settlement authority for each Claims Representative II with the approval of the Claims and Insurance Manager.
 2. Five thousand (\$5,000) to twenty thousand dollars (\$20,000) settlement authority with the approval of the City Manager.

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FILED APR 20 1987

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

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COUNCIL POLICY

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POLICY (continued)

- Rev. - V. All claims in an amount in excess of Twenty Thousand Dollars (\$20,000) 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 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.
- Rev. - 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 interest 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 where it is practical.
- 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 claims volume and expense experience in the self-insurance program.

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APR 20 1987

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Maureen G. O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 268138 Adopted APR 20 1987

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