

RESOLUTION NO. 12-6397

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL
CLARIFYING THE POLICY DELEGATING TORT LIABILITY CLAIMS
HANDLING RESPONSIBILITIES AND THE CITY MANAGER'S
SETTLEMENT AUTHORITY AND REPEALING RESOLUTIONS 4881
AND 5342

RECITALS

A. Since 1984, the City of Manhattan Beach ("City") has contracted with Adminsure, an outside contractor that serves as the City's "Third Party Administrator" for its liability program. The Third Party Administrator, in conjunction with the City's Risk Manager, administers claims submitted to the City. It has been the City's practice that the City's Third Party Administrator, in conjunction with the City's Risk Manager, is the person who investigates and rejects, returns as insufficient or returns as untimely claims submitted to the City.

B. Government Code Section 910, et. seq. and Government Code Section 935.4 provide that the City Council may designate a person, including an employee, to perform the functions of the City Council under Part 3, Division 6, Title 1 (Section 900 et. seq.) of the Government Code. In accordance with Government Code Section 935.4, the City Council previously adopted Resolution 4881 and Resolution 5342 to delegate authority to the City Manager to allow, compromise, settle or reject claims on behalf of the City where the amount to be paid, comprised or settled does not exceed \$25,000. The resolutions, however, were not clearly drafted with respect to the administration of claims in general. Accordingly, the City desires to clarify the delegation to be consistent with its current business practices.

NOW, THEREFORE, THE MANHATTAN BEACH CITY COUNCIL DOES HERBY RESOLVE
AS FOLLOWS:

Section 1. Pursuant to Government Code Section 910, et seq., the City Council authorizes the City's Risk Manager and/or the City's Third Party Administrator to accept, reject, return as insufficient, or return as untimely, any claims against the City or otherwise make determinations concerning the form of claims, the sufficiency of claims presented and the presentation of late claims, and to provide any notices authorized under those statutes on behalf of the City.

Section 2. Pursuant to Government Code Section 935.4, the City Council hereby authorizes the City Manager to allow, compromise and settle as the best interests of the City may dictate, any and all claims up to a maximum of \$25,000 each, and to take all appropriate steps to conclude any proceedings involving such claims. The City Manager is hereby authorized, ordered and directed to execute any agreements and other documents on behalf of the City which may be necessary to accomplish and complete any such allowance, compromise or settlement.

Section 3. Settlement of claims that exceed \$25,000 require City Council approval.

Section 4. Rejection of claims are handled administratively by the City's Risk Manager and/or the City's Third Party Administrator and do not require City Council approval.

Section 5. The City's Risk Manager and City Manager are hereby authorized and directed, on behalf of the City Council, to make all approvals and take all actions necessary or appropriate to carry out and implement the intent of this Resolution.

Section 6. Nothing contained herein shall prevent the City Council from reviewing, considering or acting upon any claim or litigation matter at its sole and absolute discretion.

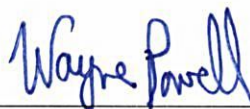
Section 7. Resolution 4881 and Resolution 5342 previously adopted by the City Council are hereby repealed in their entirety.

Section 8. This Resolution shall take effect immediately upon adoption.

Section 9. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 2nd day of October, 2012.

Ayes: Howorth, Montgomery, Tell, Lesser and Mayor Powell
Noes: None.
Abstain: None.
Absent: None.



Wayne Powell, Mayor
City of Manhattan Beach

Attest:



Liza Tamura, City Clerk