

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AUTHORIZING THE CITY MANAGER TO SETTLE CLAIMS OR PENDING ACTIONS AGAINST OR BROUGHT BY THE CITY THAT DO NOT EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00)

WHEREAS, the City of Desert Hot Springs (“City”) is a municipal corporation and a charter city within the State of California; and

WHEREAS, California Government Code Sections 900 *et seq.* establishes guidelines and procedures for the presentation of claims against cities and authorizes cities to establish local procedures not in conflict with state law; and

WHEREAS, California Government Code Section 935.4 allows the City Council, via resolution, to authorize an employee of the City to compromise or settle a claim against the City if the amount to be paid does not exceed fifty thousand dollars (\$50,000.00); and

WHEREAS, California Government Code Section 949 allows the City Council to delegate authority to its attorney or employee to compromise any pending action; and

WHEREAS, currently, the City does not have a resolution in place delegating settlement authority to an employee; and

WHEREAS, the City Council desires to increase the efficiency of liability management by delegating authority to settle certain claims and actions; and

WHEREAS, the City Council desires to adopt this Resolution for the benefit of the community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals.

That the Recitals set forth above are true and correct and are hereby incorporated herein by this reference.

Section 2. Settlement of Claims and Actions — City Manager Authority.

That pursuant to California Government Code Sections 935.4 and 949, the City Council hereby delegates and authorizes the City Manager, in consultation with the City Attorney, to allow, compromise, or settle any claims or pending actions initiated against or brought by the City for an amount not to exceed fifty thousand dollars (\$50,000.00) per claim or action. The City Manager and the City Attorney are further authorized to negotiate and execute all documents necessary to implement any settlement authorized by this Resolution.

The Director of Administrative Services is hereby authorized and directed to cause a warrant to be issued upon the treasury of the City in the amount for which a claim has been allowed, compromised, or settled.

Section 3. Severability.

That if any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions.

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 5. Certification.

That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 6. Effective Date.

That this Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 16th day of January, 2018 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney