

RESOLUTION NO. 17-8430

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
REPEALING RESOLUTION NO. 6516 AND AUTHORIZING NEW
SETTLEMENT AUTHORITY TO CITY MANAGER, CITY
ATTORNEY, AND CLAIMS ADJUSTERS**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on December 15, 1998, the City Council set settlement authority limits for claims by and against the City of Santa Clara by adopting Resolution No. 6516;

WHEREAS, those current limits are: (a) City Claims Adjuster may compromise claims/litigation up to \$5,000; and (b) City Manager and City Attorney may compromise claims/litigation up to \$20,000 (except for police cases); and,

WHEREAS, in the interests of efficiency, and to comport with the limits of authority granted to City staff to approve certain contracts for the City without Council approval, the City Council now desires to increase these limits as specified below.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Repealed Resolutions: Resolution No. 6516 is hereby repealed.
2. Liability Settlements: Except as set forth below, the City's liability claims adjuster is hereby authorized to compromise and settle claims against the City if the total amount of the settlement (which may include interest or attorney's fees, or consist exclusively of interest or attorney's fees) does not exceed five thousand (\$5,000) dollars. The City Attorney, or his/her respective designee, is hereby authorized to compromise and settle claims by or against the City (including, but not limited to, tort, contract, and worker's compensation matters) if the total amount of the settlement (which may include interest or attorney's fees, or consist exclusively of interest or attorney's fees) does not exceed twenty five thousand (\$25,000) dollars. The City Attorney, with the written concurrence of the City Manager, or their respective designees, is hereby authorized to compromise and settle claims by and against the City (including, but not

limited to, tort, contract, and worker's compensation matters) if the total amount of the settlement (which may include interest or attorney's fees, or consist exclusively of interest or attorney's fees) does not exceed fifty thousand (\$50,000) dollars.

3. Police Misconduct Settlements: Where there is a proposed settlement involving alleged police misconduct, the claim shall not be settled in any amount without the prior consent of the City Council. Settlements not involving payment of monies (such as, for example, dismissal in exchange for a waiver of costs) are not intended to be included in this limitation on settlement by the City's liability claims adjuster or by the City Manager/City Attorney. Simple negligence matters, including but not limited to such matters as vehicle accidents are not intended to be included in this limitation on settlement by the City's liability claims adjuster or by the City Manager/City Attorney.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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5. Effective date. This resolution shall become effective immediately.


I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 16th DAY OF MAY 2017, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Kolstad, Mahan, O'Neill and Watanabe and Mayor Gillmor
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NOES:	COUNCILORS:	None
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ABSENT:	COUNCILORS:	Caserta
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ABSTAINED:	COUNCILORS:	None
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ATTEST: 
FOR ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None.

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