

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA,
ADDING SECTION 1.15.090 ("CLAIM SETTLEMENT
AUTHORITY") TO CHAPTER 1.15 ("CLAIMS AGAINST THE
CITY") OF TITLE 1 ("GENERAL PROVISIONS") OF "THE CODE
OF THE CITY OF SANTA CLARA, CALIFORNIA"**

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

WHEREAS, on May 16, 2017, the City Council set settlement authority limits for claims by and against the City of Santa Clara, and including worker's compensation matters, by adopting Resolution No. 17-8430;

WHEREAS, those current limits are: (a) City Claims Adjuster may compromise claims/litigation up to \$5,000, (b) City Attorney may compromise claims/litigation up to \$25,000, and (c) City Attorney with the written concurrence of the City Manager may compromise claims/litigation up to \$50,000 (except for police cases); and,

WHEREAS, in the interests of transparency, efficiency, and to ensure that employee medical privacy is maintained, the City Council now desires to codify settlement authority limits for claims and increase settlement authority limits for worker's compensation matters only.

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

SECTION 1: That a new Section is added to Chapter 1.15 (entitled "Claims Against the City") of Title 1 (entitled "General Provisions") of "The Code of the City of Santa Clara, California," ("SCCC") to read as follows:

"1.15.090 Claim Settlement Authority.

(a) With regard to settlement of matters for which worker's compensation provides the exclusive remedy, the following limitations apply:

(1) The City Attorney, with the written concurrence of the City Manager, or their respective designees, are hereby authorized to compromise and settle worker's compensation

compromise and release 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 two hundred fifty thousand (\$250,000) dollars.

(2) The City Attorney, with the written concurrence of the City Manager, or their respective designees, are hereby authorized to settle workers' compensation stipulations at any amount.

(3) Worker's compensation related matters that come within the requirements of the Government Claims Act are subject to SCCC 1.15.090(b).

(b) With regard to settlement of claims other than those described in SCCC 1.15.090(a), the following limitations apply:

(1) The City Attorney, or his/her respective designee, is hereby authorized to compromise and settle claims by or 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 twenty five thousand (\$25,000) dollars.

(2) 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 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) 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. Simple negligence matters (such as, for example, vehicle accidents) are not intended to be included in this limitation on settlement."

SECTION 2: Ordinances and Resolutions Repealed. Excepting the provisions protected by the

savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed. Resolution No. 17-8430 is hereby repealed.

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this ____ day of _____, 2018, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
None