

RESOLUTION 20 -xx

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DELEGATING AUTHORITY TO THE TOWN MANAGER TO SETTLE CLAIMS, PENDING ACTIONS AND WORKERS' COMPENSATION CLAIMS AGAINST THE TOWN THAT DO NOT EXCEED FIFTY THOUSAND DOLLARS (\$50,000).

WHEREAS, the California Tort Claims Act (California Government Code Section 900 et. seq.) (the Act) establishes general provisions regarding the processing of tort claims filed against cities, and authorizes the Town to adopt local procedures not in conflict with state law;

WHEREAS, California Government Code Section 935.4 permits the Town Council, by resolution, to authorize an employee of the Town to perform claims administration functions under the Act and to allow, compromise, or settle a pending tort claim against the Town in an amount not to exceed Fifty Thousand Dollars (\$50,000);

WHEREAS, California Government Code Section 949 further permits the Town Council to delegate its authority to compromise or settle all other pending actions against the Town, including lawsuits and workers' compensation claims;

WHEREAS, at its December 21, 2021 regular meeting the Town Council discussed the staff and Policy Committee recommendations and received public comment on the same.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Los Gatos as follows:

Section 1. The Town Manager is authorized to allow, compromise, or settle any tort claims or other pending actions (not including workers' compensation claims) against the Town that do not exceed Fifty Thousand Dollars (\$50,000).

Section 2. The Town Manager is authorized to allow, compromise, or settle any workers' compensation claims against the Town by "Stipulation with Request for Award" (Stipulation), up to the Town's current self-insured retention (SIR), when the Stipulation is for mandatory permanent disability amounts that are undisputed, determined by State law and are not negotiable.

Section 3. The Town Manager is authorized to allow, compromise, or settle any workers' compensation claims against the Town that do not exceed Fifty Thousand Dollars

(\$50,000) by "Compromise and Release" that are not mandated by the Workers' Compensation Appeals Board (WCAB).

Section 4. This Resolution shall take effect immediately upon its adoption by the Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of December, 2021, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____