

RESOLUTION NO. 79-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH ESTABLISHING SETTLEMENT AUTHORITY LIMITS FOR ALL PROPERTY DAMAGE, BODILY INJURY AND OTHER CLAIMS AND LITIGATION; APPROVING SPECIAL COUNSEL TO BE RESPONSIBLE FOR ALL LEGAL MATTERS RELATED TO WORKERS' COMPENSATION CLAIMS; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on June 6, 2017, the City Commission of the City of Delray Beach ("City") passed and adopted Ordinance 21-17 which created a Purchasing Policy and Procedures Manual and established purchasing authority limits; and

WHEREAS, the City desires to, in accordance with the purchasing authority limits already established, increase the settlement authority limits for the City Manager, City Attorney and Risk Management Division; and

WHEREAS, currently, the City Attorney has the authority to settle all bodily injury and other claims and litigation up to and including \$10,000. For settlement of all bodily injury and other claims and litigation of \$10,001 up to and including \$15,000, the City Attorney is required to obtain consultation and concurrence of both an Assistant City Manager and the Risk Manager. Final settlement approval for claims and litigation of \$15,001 or greater require the approval of the City Commission; and

WHEREAS, the City wishes to increase the settlement authority of the City Manager for all property damage, bodily injury, and other claims and litigation to \$65,000, in order to be consistent with the City Manager's purchasing authority. The settlement authority of the City Attorney for all property damage, bodily injury, and other claims and litigation would be increased to \$25,000 and the Risk Management Division's settlement authority would increase to \$15,000; and

WHEREAS, the City recognizes the need to retain special counsel to be responsible for all legal matters related to workers' compensation claims received by the City and desires to retain the services of two firms for same; and

WHEREAS, the City deems approval of this Resolution to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. That the City Commission of the City of Delray Beach approves an increase in the settlement authority of the City Manager to \$65,000, the City Attorney to \$25,000, and the Risk Management Division to \$15,000 for all property damage, bodily injury, and other claims and litigation.

Section 3. That the settlement authority of the Risk Management Division for Workers' Compensation claims shall remain the same.

Section 4. That the City Commission of the City of Delray Beach approves the appointment of Hayes, Schloss & Alcocer, PA, and Chartwell Law to be responsible for all legal matters related to the City's Workers' Compensation claims.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2018.

ATTEST:

MAYOR

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney