


CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. 2022-163

1) DELEGATING TO THE CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 935.4, THE AUTHORITY TO ALLOW, COMPROMISE, REJECT OR SETTLE CLAIMS AGAINST, OR ON BEHALF OF THE CITY, FOR A MAXIMUM AMOUNT OF \$50,000 PER CLAIM; AND 2) REPEALING RESOLUTION 2001-382

WHEREAS, The City of Tracy is a general law city; and

WHEREAS, California Government Code 935.4 permits a general law city, by resolution or ordinance, to authorize an employee of such city to allow, compromise, reject or settle claims against, or on behalf of the city, for amounts up to \$50,000; and

WHEREAS, the Tracy Municipal Code (section 1.24.030) authorizes the City Council, by resolution, to establish the authority to allow, compromise, reject or settle claims in compliance with the Government Code; and

WHEREAS, On October 16, 2001, pursuant to the State law, the City Council adopted Resolution No. 2001-382 delegating to the City Manager the authority to allow, reject, or settle certain claims against, or on behalf of, the City, amounts up to \$25,000; and

WHEREAS, the City has not amended its delegation of authority to the City Manager, under Government Code Section 935.4, for two decades; and

WHEREAS, the City regularly receives claims between \$25,001-\$50,000; and

WHEREAS, to increase the effective administration of the risk management program, staff recommends that the City Council increase the delegation of authority to the City Manager to the maximum amount permitted under State law for general law cities; and now, therefore, be it

RESOLVED: The City Council of the City of Tracy hereby finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City; and be it further

RESOLVED: Pursuant to Government Code Section 935.4, the City Council hereby delegates to the City Manager the authority to allow, compromise, reject or settle claims against, or on behalf of, the City, for a maximum amount of \$50,000 per claim; and be it further

RESOLVED: The City Manager shall ensure that all applicable provisions of State law are complied with in the processing of claims, including late claims; and be it further

RESOLVED: For the purposes of the authority delegated pursuant to this Resolution, "claims" shall include liability claims, subrogation claims, and Workers' Compensation claims; and be it further


RESOLVED: Judicial orders and judgments, including orders of the Workers' Compensation Appeals Board, shall not be considered settlements, and City Council authorization to pay such orders or judgments shall not be required; and be it further

RESOLVED: The City Manager shall present to the City Council for consideration an approval, in accordance with applicable laws, the settlement of claims in excess of \$50,001; and be it further


RESOLVED: Resolution No. 2001-382 is hereby repealed in its entirety.

The foregoing Resolution 2022-163 was adopted by the Tracy City Council on November 1, 2022, by the following vote:

AYES:	COUNCIL MEMBERS: ARRIOLA, DAVIS, VARGAS, YOUNG
NOES:	COUNCIL MEMBERS: BEDOLLA
ABSENT:	COUNCIL MEMBERS: NONE
ABSTENTION:	COUNCIL MEMBERS: NONE



NANCY D. YOUNG
Mayor of the City of Tracy, California



ATTEST:
ADRIANNE RICHARDSON
City Clerk and Clerk of the Council of the
City of Tracy, California