



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-27

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

March 6, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt ordinance amending Municipal Code regarding settlement authority for Workers' Compensation Matters.

DISCUSSION

On December 12, 2006, the Economic Development and Finance Committee met and voted to recommend to the City Council that the Long Beach Municipal Code be amended to increase the threshold for City Council approval of settlements of workers' compensation claims.

Presently, all claims over \$5,000.00 must be formally approved by the City Council, whether they involve third-party liability claims or our employees' workers' compensation claims. Since the settlement of workers' compensation claims are predominantly governed by objective criteria, the City has limited discretion in the settlement amounts of these claims. Accordingly, the City Attorney's office recommended to the Committee, and the Committee concurred, that the threshold for required City Council approval of such claims be increased to \$50,000.00. The threshold for approval of all other liability claims will remain at \$5,000.00. A red-lined version of these changes is attached.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON
City Attorney

RES:fl
Attachment
#06-06349

PRINCIPAL DEPUTIES

Barbara D. de Jong
Dominic Holzhaus
Belinda R. Mayes
J. Charles Parkin

DEPUTIES

Gary J. Anderson
Richard F. Anthony
Christina L. Checel
Alysha P. Choi
Lori A. Conway
Randall C. Fudge
Charles M. Gale
Monte H. Machit
Anne C. Lattime
Lisa Peskay Malmsten
Barry M. Meyers
Cristyl Meyers
Howard D. Russell
Tiffani L. Shin

ATTACHMENT "A"

3.48.010 City Attorney authority.

Except as set forth below, the City Attorney is authorized to settle or compromise any claim or litigation, ~~including workmen's compensation~~, against the City or any officer, agent or employee thereof, without prior consent of the City Council, in an amount not to exceed five thousand dollars (\$5,000.00) as to any single person, firm or corporation. With regard to workers' compensation claims, the City Attorney is authorized to settle or compromise any claim or litigation without the prior consent of the City Council in an amount not to exceed fifty thousand dollars (\$50,000.00) as to any single person. The City Attorney is authorized to settle or compromise any claim of five thousand dollars (\$5,000.00) or less that the City has against other persons. The City Attorney is also authorized to execute and deliver to said other persons any instrument in writing necessary or advisable in connection with any settlement. Payment or settlement of all other claims shall be pursuant to authority granted by the City Council, and the City Attorney shall notify the City Council of any claims of five thousand dollars (\$5,000.00) or less which are paid or compromised pursuant to the authority provided in this Section.

Robert E. Shannon
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333 West Ocean Boulevard
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Telephone (562) 570-2200

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING SECTION 3.48.010
OF THE LONG BEACH MUNICIPAL CODE RELATING TO
SETTLEMENT AUTHORITY

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 3.48.010 is hereby amended to read as follows:

3.48.010 City attorney authority.

Except as set forth below, the City Attorney is authorized to settle or compromise any claim or litigation, against the City or any officer, agent or employee thereof, without prior consent of the City Council, in an amount not to exceed five thousand dollars (\$5,000.00) as to any single person, firm or corporation. With regard to workers' compensation claims, the City Attorney is authorized to settle or compromise any claim or litigation without the prior consent of the City Council in an amount not to exceed fifty thousand dollars (\$50,000.00) as to any single person, firm or corporation. The City Attorney is authorized to settle or compromise any claim of five thousand dollars (\$5,000.00) or less that the City has against other persons. The City Attorney is also authorized to execute and deliver to said other persons any instrument in writing necessary or advisable in connection with any settlement. Payment or settlement of all other claims shall be pursuant to authority granted by the City Council, and the City Attorney shall notify the City Council of any claims of five thousand dollars (\$5,000.00) or less which are paid or compromised pursuant to the authority provided in this Section.

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Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2007, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

(Mayor)

HAM:fl
2/28/07
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