

RESOLUTION NO. 6209

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL APPROVING
THE DELEGATION OF CLAIMS ADMINISTRATION AND AUTHORIZING REMIF AND THE
THIRD-PARTY ADMINISTRATOR ON BEHALF OF REMIF TO ACCEPT OR REJECT
CLAIMS FILED AGAINST THE CITY OF SEBASTOPOL

WHEREAS, the City of Sebastopol is a member of the Redwood Empire Municipal Insurance Fund (hereinafter referred to as REMIF), a self-insured joint powers authority; and

WHEREAS, REMIF provides, among other things, the City's liability coverage for those matters covered by the Memorandum of Liability Coverage; and

WHEREAS, REMIF has a Memorandum of Liability Coverage that outlines the liability coverage provided to the City of Sebastopol and is bound by the By-Laws that, among other things, outline settlement authority; and

WHEREAS, REMIF works with a third-party administrator to administer the City's liability claims that fall under the Memorandum of Liability Coverage; and

WHEREAS, Government Code 912.6 requires that the City of Sebastopol act on a claim filed against the City in one of four ways: (1) If the Board finds the claim is not a proper charge against the public entity, it shall reject the claim; (2) If the Board finds the claim is a proper charge against the public entity and is for an amount justly due, it shall allow the claim; (3) If the Board finds the claim is a proper charge against the public entity but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance; or (4) If legal liability of the public entity or the amount justly due is disputed, the Board may reject the claim or may compromise the claim; and

WHEREAS, the City of Sebastopol shall delegate and authorize REMIF and the third-party administrator on behalf of REMIF to respond to covered claims filed against the City as outlined in Government Code section 912.6. The City of Sebastopol will work closely with REMIF and the third party administrator on behalf of REMIF to respond to covered claims. All decisions will be collaboratively discussed between the City and REMIF or the third-party administrator on behalf of REMIF. Final authority is outlined in the Memorandum of Liability Coverage, the bylaws and the JPA agreement with REMIF; and

WHEREAS, Government Code 37103 States that the legislative body may contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters. It may pay such compensation to these experts as it deems proper; and

WHEREAS, if the City disagrees with REMIF about the disposition of a claim, the City Council retains the authority to pay a claim or litigate a claim and, in such case, REMIF would turn the claim over to the City to be paid or litigated at the City's expense; and

WHEREAS, whenever it is necessary for the City to reject or provide another form of notice to a claimant for a covered claim, the City of Sebastopol hereby delegates to REMIF or the third-party administrator on behalf of REMIF that authority, in collaboration with the City of Sebastopol; and

WHEREAS, the City of Sebastopol will immediately report every covered claim to REMIF and/or the third-party administrator on behalf of REMIF (but in no case longer than 2 business days of claim filing); the City of Sebastopol will provide REMIF and the third-party administrator on behalf of REMIF any information/documentation that is needed immediately (but in no case longer than 10 days of claim filing) with information to determine the appropriate claim response; and

WHEREAS, REMIF and the third-party administrator on behalf of REMIF will provide quarterly reports on the status of claims to the City of Sebastopol City Administration.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Sebastopol does hereby delegate the authority of claims administration for covered claims and authorizes REMIF and the third-party administrator on behalf of REMIF to respond to covered claims on behalf of the City of Sebastopol; and

BE IT FURTHER RESOLVED, that this authority is immediately rescinded should REMIF end its contract with George Hills.

DULY APPROVED AND ADOPTED this 4th day of September, 2018.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

VOTE:

Ayes: Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Hinton and Mayor Slayter

Noes: None

Abstain: None

Absent: None

APPROVED: 

Mayor Patrick Slayter

ATTEST: Mary C. Gourley
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: [Signature]
Larry McLaughlin, City Attorney