

REPORT TO CITY COUNCIL

DATE: SEPTEMBER 9, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER

SUBJECT: APPROVE A RESOLUTION DELEGATING TORT LIABILITY CLAIMS HANDLING RESPONSIBILITIES TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (CJPIA)

On March 31, 2009 a Risk Management Evaluation (RME) of the City of Agoura Hills was conducted in conjunction with the California Joint Powers Insurance Authority (CJPIA) as part of the CJPIA's Loss Control Action Plan (LossCAP). LossCAP is a comprehensive program designed to assist the City in addressing areas in which risk exposure or loss data support the need for change in operations or activity. These reviews afford staff the opportunity to review current policies and procedures and implement new polices in compliance with new law or current risk management trends.

One of the recommended changes is for the City to formally delegate claims management responsibility to the CJPIA by resolution. Although the CJPIA has been managing the City's liability claims for years, the CJPIA is asking member agencies to formalize this process by adopting a resolution. Having the resolution in place allows claims against the City to be assigned to the claims team in a quicker manner and eliminates some of the formal paperwork that staff would need to go through prior to the start of the claims review.

Through the CJPIA, Carl Warren & Company has provided outstanding liability claims management for the CJPIA and their member agencies for over 30 years, and will continue to assist the City throughout the claims process as they occur. This partnership has been a great benefit to the City in terms of lower costs, less exposure, more efficient and expeditious claims processing, without losing any powers or decision making abilities. The proposed resolution will allow the City to continue with this service in a more efficient manner.

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 09-1549 delegating tort liability claims handling responsibilities to the California Joint Powers Insurance Authority (CJPIA).

Attachment: Resolution No. 09-1549

RESOLUTION NO. 09-1549

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ESTABLISHING A POLICY WHICH DELEGATES TORT LIABILITY CLAIMS HANDLING RESPONSIBILITIES TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY AS AUTHORIZED BY GOVERNMENT CODE SECTIONS 910, ET SEQ.

WHEREAS, the City of Agoura Hills is a member of the California Joint Powers Insurance Authority (California JPIA), and pursuant to Government Code sections 990.4, et seq. and 6500 et seq. pools its self-insured liability claims and losses with other California JPIA members under a Memorandum of Coverage; and

WHEREAS, the Joint Powers Agreement creating the California JPIA authorizes it to exercise powers common to members and appropriate to defend and indemnify members from liability claims under the Memorandum of Coverage,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1. The City of Agoura Hills delegates to California JPIA the authority to act on its behalf, pursuant to Government Code sections 910, et seq. to accept, reject, return as insufficient, or return as untimely, any claims against it, and to provide any notices authorized under those statutes on behalf of City of Agoura Hills.

SECTION 2. This resolution shall become effective immediately upon its adoption.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 9th day of September, 2009 by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk