

# TAB 1

## ORDINANCE 2010-02

### **AN ORDINANCE OF THE CITY OF PALMETTO AUTHORIZING THE MAYOR, PURSUANT TO THE CITY'S RISK MANAGEMENT AND INSURANCE PROGRAM, TO SETTLE CERTAIN CLAIMS MADE AGAINST THE CITY OF PALMETTO; PROVIDING FOR THE AUTHORITY OF THE MAYOR TO AUTHORIZE THE ISSUANCE OF SETTLEMENT CHECKS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, in order to efficiently administer the City's risk management program, the Mayor will be authorized to settle certain claims without first seeking approval of the City Commission provided that the proposed settlement does not exceed the threshold amount established herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:

SECTION 1. The City Commission authorizes the Mayor to compromise or settle property, liability and workers' compensation claims brought against the City of Palmetto, after taking into consideration the following factors: (1) the Risk Analysis Report for the claim prepared by the Risk Manager or his or her designee; (2) whether settlement is in the best interests of the City taking into consideration the cost and risk of proceeding further; and (3) the benefit to the City of an expeditious settlement of the claim. Prior to settling any claim, a description of the claim shall be provided to the Commission for their information by the Risk Manager. No property, liability, or worker's compensation claim in excess of One Thousand Dollars (\$1,000.00) shall be compromised or settled by the Mayor pursuant to this Section unless a written recommendation of approval of such compromise or settlement is first obtained from an attorney representing the City. The Settlement Authority for the Mayor shall not exceed Ten Thousand Dollars (\$10,000.00), no such claim shall be settled pursuant to this Section without an appropriate release and indemnification and hold harmless for the benefit of the City as approved by the City Attorney.

SECTION 2. The Mayor shall have Settlement Check authority which shall not exceed Ten Thousand Dollars (\$10,000.00) and shall be consistent with any settlement reached pursuant to Section 1 herein. Said authority shall be ministerial in nature and shall not confer any authority to overrule settlement decisions rendered pursuant to Section 1 of this Ordinance.

SECTION 3. Severability. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 4. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

<b>FIRST READING</b>	December 21, 2009
<b>PUBLICATION DATE</b>	December 24, 2009
<b>SECOND READING</b>	January 4, 2010

**PASSED AND DULY ADOPTED**, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this 4th day of January, 2010.

CITY OF PALMETTO, FLORIDA, BY  
AND THROUGH THE CITY  
COMMISSION OF THE CITY OF  
PALMETTO

By:

\_\_\_\_\_  
Shirley Groover Bryant, Mayor

ATTEST:

By: \_\_\_\_\_  
James R. Freeman, City Clerk