



Berkeley Housing Authority

1901 Fairview Street
Berkeley, CA 94703

Office of the Executive Director

Item 7B

ACTION CALENDAR

March 10, 2011

To: Honorable Chairperson and
Members of the Housing Authority Commission

From: Tia M. Ingram, Executive Director

Subject: Approving a Resolution Delegating to the Executive Director, the authority to allow, compromise and settle claims filed against the Berkeley Housing Authority

RECOMMENDATION

Approve a Resolution delegating to the Executive Director, the authority to allow, compromise and settle claims filed against the Berkeley Housing Authority

BACKGROUND

The Authority has General Liability insurance, with a twenty-five thousand dollar (\$25,000) deductible, with the Special District Risk Management Authority ("SDRMA"). SDRMA staff is available to investigate claims and make recommendations as to settlement or denial.

Claims against a local government entity for money or damages are required by California law to be presented to the local public entity as a prerequisite to filing an action in court. This gives the public entity the opportunity to be advised of the claim and to settle it in advance of a lawsuit, if settlement is warranted. Moreover, if a denied claim results in a lawsuit, SDRMA will assign an attorney to represent the Authority. Pursuant to the insurance coverage, SDRMA has the authority to determine whether to settle claims in excess of the deductible.

Government Code Section 935.4 provides that a local public entity may, by resolution, delegate the authority to allow, compromise or settle claims to an employee. It is recommended that this authority be delegated to the Executive Director.

FISCAL IMPACTS OF RECOMMENDATION

No direct impact.

CONTACT PERSON

Tia Ingram, Executive Director, 981-5471.

Attachments:

1. Resolution

RESOLUTION NO. 11-

DELEGATING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO ALLOW, COMPROMISE AND SETTLE CLAIMS FILED AGAINST THE BERKELEY HOUSING AUTHORITY

WHEREAS, Government Code Section 900 *et seq.* provides that a claim for money or damages against a local public entity must be presented to the local public entity, which must either grant or deny the claim;

WHEREAS, the Berkeley Housing Authority has insurance from the Special District Risk Management Authority ("SDRMA") which provides coverage for claims for money or damages with a deductible of twenty five thousand dollars (\$25,000) per occurrence;

WHEREAS, Government Code Section 935.4 authorizes a local public entity to delegate the authority to handle claims for money or damages to a public employee;

WHEREAS, the Board of Commissioners of the Berkeley Housing Authority deems it in the best interest of the Authority to delegate the authority to deny claims for money or damages to the Executive Director; and

WHEREAS, the Board of Commissioners of the Berkeley Housing Authority deems it the best interest of the Authority to delegate the authority to grant or settle claims for money or damages in the amount of twenty-five thousand dollars (\$25,000) or less to the Executive Director after consultation with SDRMA or any other insurance company or risk management authority from which the Authority may in the future obtain insurance.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Berkeley Housing Authority hereby delegates the authority to deny claims for money or damages to the Executive Director;

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Berkeley Housing Authority delegates the authority to grant or settle claims in the amount of twenty-five thousand dollars (\$25,000) or less to the Executive Director.

The foregoing resolution was adopted by the Board of the Berkeley Housing Authority on March 10, 2011 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest: _____

Tia Ingram, Secretary