

## 2-151. - Settlement of claims.

### (a) *Definitions.*

(1) *Claim* means any and all claims, demands, lawsuits, appeals, administrative proceedings, grievances, or arbitrations, of any nature, brought or asserted by or against the city, in which the city is a claimant, petitioner, plaintiff, defendant, respondent, appellant, appellee, creditor, a party making a demand, or a party against which a demand is made.

(2) *Settle* means to settle, adjust, or otherwise compromise claims, and to execute any and all settlement agreements, releases, waivers, satisfactions, and any other documents necessary to effectuate the settlement, adjustment, or other compromise of claims.

(3) *City manager* means the city manager or the city manager's designee.

(4) *City attorney* means the city attorney or the city attorney's designee.

(b) The risk manager is authorized to settle any claim for an amount that does not exceed ten thousand dollars (\$10,000.00).

(c) The city manager, **and** the city attorney, **and the risk manager** jointly are authorized to settle any claim for an amount that does not exceed fifty thousand dollars (\$50,000.00).

### (d) *Risk management committee.*

(1) There is hereby created a risk management committee pursuant to the city's risk management program as provided in F.S. § 768.28, composed of the city manager, **the city attorney**, the risk manager, and one (1) member appointed by the city commission from among the mayor and city commissioners each year at the city commission's first regular meeting in January or at a regular meeting as soon thereafter as possible.

(2) The member appointed by the city commission from among the mayor and city commissioners shall serve as the chair of the risk management committee, and the city manager shall serve as vice chair of the risk management committee.

(3) The risk manager shall be the secretary of the risk management committee, and in such capacity shall coordinate the meetings of the risk management committee and take minutes of its meetings.

(4) The city attorney shall be an advisor to the risk management committee.

(5) The risk management committee is authorized to settle any claim for an amount that does not exceed one hundred thousand dollars (\$100,000.00).

(6) The city manager or the city attorney is authorized to execute any and all settlement agreements, releases, waivers, satisfactions, and any other documents necessary to effectuate the settlement, adjustment, or other compromise of claims authorized by a majority vote of the risk management committee.

(e) The settlement of any claim for an amount that exceeds one hundred thousand dollars (\$100,000.00) shall be presented to the city commission.

(f) This section does not authorize the settlement of any tort claim for an amount that would exceed the per incident or occurrence limitation set forth in F.S. § 768.28 (20~~23~~<sup>16</sup>), as may be amended or revised.

(g) Forfeiture proceedings under the Florida Contraband Forfeiture Act may be settled, adjusted and otherwise compromised without the approval of the city commission following the police chief's, or if the police chief is unavailable and a delay would adversely affect the settlement, the acting police chief's, personal approval when in the judgment of the city attorney and the city manager, jointly, such would be in the best interest of the city to do so.

(h) Foreclosure proceedings brought against or on behalf of the city may be settled, adjusted and otherwise compromised without the approval of the city commission when in the judgment of the city manager and the city attorney, jointly, such would be in the best interests of the city to do so, except that the city's administrative costs, including, but not limited to, inspection costs, postage fees, recording fees, advertising costs, and any and all costs of enforcement or any repair costs or costs to secure any structure, incurred by the city, may not be adjusted or otherwise compromised, without authorization of the city commission.

(i) The city manager is authorized to opt-in or opt-out of class action cases in which the city is invited to participate as a party or is included as a party. The city manager is authorized to submit proofs of claim in class action cases in which the city is invited to participate. The city manager is authorized to decline submitting proofs of claim in class action cases in which the city is invited to participate when, in the city manager's opinion, the cost of preparing the proof of claim would exceed the potential benefit to the city.

(j) The city manager is authorized to decline submitting proofs of claim in bankruptcy proceedings of which the city has notice when, in the city manager's opinion, the cost of preparing a proof of claim would exceed the potential benefit to the city.

(k) The city manager and the city attorney each are authorized to execute settlement agreements, releases, waivers, satisfactions, and any other documents necessary to settle claims.

(l) The city manager shall provide to the city commission a monthly report of all claims, except those presented to the city commission pursuant to subsection (e) that have been settled pursuant to this section.

(Laws of Fla. Ch. 57-1322, § 51(d); Laws of Fla. Ch. 61-2166, § 7; Laws of Fla. Ch. 63-1355, § 9; Ord. No. C-77-88, § 1, 6-21-77; Ord. No. C-78-63, § 1, 6-6-78; Ord. No. C-78-116, § 1, 12-19-78; Ord. No. C-80-96, § 1, 11-4-80; Ord. No. C-17-21, § 1, 8-22-17)

**Editor's note—** Laws of Florida chapter 57-1322 is the former city charter. To the extent not inconsistent with the current charter, section 11.01 of the current charter converted the former city charter into an ordinance.