

ORDINANCE NO. C-24-29

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 2, ARTICLE V., OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY AMENDING SECTION 2-151 TITLED "SETTLEMENT OF CLAIMS," AMENDING TWO OF THE FOUR LEVELS OF AUTHORITY FOR SETTLEMENT OF CLAIMS BY ADDING THE RISK MANAGER AS ONE OF THE AUTHORIZED APPROVERS AT THE SECOND LEVEL AND BY ADDING THE CITY ATTORNEY AS ONE OF THE AUTHORIZED APPROVERS AT THE THIRD LEVEL; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS AND REPEAL, PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-151, Code of Ordinances of the City of Fort Lauderdale, Florida, provides four different levels of authority for settlement of claims; and

WHEREAS, the first level is for claims that do not exceed \$10,000 and requires approval of the risk manager; and

WHEREAS, the second level is for claims that do not exceed \$50,000 and requires approval of the city manager and city attorney; and

WHEREAS, the third level is for claims that do not exceed \$100,000 and requires approval of the city manager, risk manager, and one (1) member of the city commission; and

WHEREAS, the fourth level is for claims that exceed \$100,000 and requires approval of the city commission; and

WHEREAS, in order to provide additional and appropriate oversight, Staff recommends adding the risk manager as one of the authorized approvers at the second level and adding the city attorney as one of the authorized approvers at the third level;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

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SECTION 1. That Chapter 2, Article V., Section 2-151. titled "Settlement of claims." of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Sec. 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.

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- (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 (2016), 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

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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.

SECTION 2. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of this Ordinance without the need for a public hearing.

SECTION 3. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect upon its passage on second reading.

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PASSED FIRST READING this 4th day of June, 2024.

PASSED SECOND READING this ____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN