

ORDINANCE NO. C-17-21

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 2-151, SETTLEMENT OF CLAIMS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY PROVIDING FOR DEFINITIONS, CREATING A RISK MANAGEMENT COMMITTEE, ADJUSTING AND EXPANDING THE PARAMETERS FOR THE SETTLEMENT OF CLAIMS, PROVIDING FOR SETTLEMENT OF FORFEITURE PROCEEDINGS UNDER THE FLORIDA CONTRABAND FORFEITURE ACT AND FORECLOSURE PROCEEDINGS, PROVIDING FOR THE CITY MANAGER'S AUTHORITY IN CLASS ACTION CASES AND BANKRUPTCY PROCEEDINGS, PROVIDING FOR EXECUTION OF SETTLEMENT DOCUMENTS, PROVIDING FOR A MONTHLY REPORT OF SETTLED CLAIMS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, it is in the City's best interest to create a Risk Management Committee, adjust and expand the parameters for the settlement of claims, provide for the settlement of forfeiture proceedings under the Florida Contraband Forfeiture Act and foreclosure proceedings, and provide for the City Manager's authority in class action proceedings and bankruptcy proceedings,

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

SECTION 1. Section 2-151 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

~~Claims or demands, including workers' compensation claims, brought against or on behalf of the city may be settled, adjusted and otherwise compromised without the approval of the city commission upon the following terms and conditions and when in the judgment of the risk manager, the director of finance, city manager and the city attorney or their designees such would be in the best interests of the city to do so:~~

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

- ~~(1) For all claims or demands which do not exceed one thousand dollars (\$1,000.00), such claims or demands may be settled, adjusted or otherwise compromised by the risk manager.~~
- ~~(2) For all claims or demands which exceed one thousand dollars (\$1,000.00) but do not exceed three thousand dollars (\$3,000.00), such claims or demands may be settled, adjusted or otherwise compromised by the joint approval of the risk manager and the director of finance.~~
- ~~(3) For all claims and demands which exceed three thousand dollars (\$3,000.00), but do not exceed twenty thousand dollars (\$20,000.00), such claims or demands may be settled by joint approval of the risk manager, director of finance, the city manager and the city attorney.~~
- ~~(4) A monthly report of all claims or demands which have been settled, adjusted or otherwise compromised without the approval of the city commission as set forth in this section will be submitted to the city commission for its review.~~
- ~~(5) For all claims or demands which exceed twenty thousand dollars (\$20,000.00), such claims shall be submitted for settlement, adjustment or compromise to the city commission for approval.~~

(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.

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(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.

(c) The city manager and the city attorney jointly are authorized to settle any claim for an amount that does not exceed fifty thousand dollars.

(d) Risk Management Committee.

(1) There is hereby created a Risk Management Committee pursuant to the city's risk management program as provided in Section 768.28, Florida Statutes, composed of the city manager, the risk manager, and one 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.

(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 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 Section 768.28, Florida Statutes (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 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.

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

SECTION 4. That this Ordinance shall be in full force and effect upon its final passage.

PASSED FIRST READING this the 11th day of July, 2017.

PASSED SECOND READING this the ____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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