



Central Marin Police Authority

Staff Report

TO: Central Marin Police Authority Council

FROM: Management Committee
Michael A. Norton, Chief of Police

DATE: February 10, 2022

RE: RESOLUTION NO. 2022/02 – INCREASE MANAGEMENT COMMITTEE
SETTLEMENT AUTHORITY FOR GENERAL LIABILITY CLAIMS

ACTION REQUESTED

That Council adopt Resolution No. 2022/02.

BACKGROUND

The Central Marin Police Authority is a member of the Bay Cities Joint Powers Insurance Authority (BCJPIA). The BCJPIA is an insurance pool comprised of twenty-one (21) member government agencies located throughout the Bay Area. The BCJPIA insures the Central Marin Police Authority for general liability claims and worker's compensation claims. The Central Marin Police Authority's self-insured retention (SIR) is currently \$100,000 for general liability claims and \$150,000 for worker's compensation claims. This means that the Central Marin Police Authority has decision making powers regarding settling general liability claims and worker's compensation claims up to their respective SIRs. After the SIR is reached the decision-making powers regarding settling any claims on any additional monies is under the power the BCJPIA.

In February 2014, the Central Marin Police Authority Council approved Resolution 2014/01. Resolution 2014/01 delegated authority from the Council to the Management Committee regarding disability determinations resulting from worker's compensation claims. This means that the Management Committee was delegated the power to settle any worker's compensation claims up to its current SIR. This resolution was passed in part due to the timing



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challenges of scheduling Special Police Council meetings in accordance with the disability retirements.

The Management Committee is now seeking authorization to have authority delegated to them to settle any future general liability claims up to the SIR of the Central Marin Police Authority. The Management Committee currently has authority to settle all general liability claims without Council approval up to its purchasing policy authority of \$30,000. In most instances, a general liability claim will settle either during the early legal stages for a nominal amount or after considerable legal expenses have been spent. In both instances, Council approval is not required due to the settlement amount being either less than \$30,000 or total legal expenses (labor + settlement amount) are more than \$100,000. In some instances, a case will settle for a large amount, before legal expenses have hit the SIR. In those cases, Council approval is required as a formality to broach the current amount of monies expended to the SIR. Similar to disability retirements, there can be timing challenges to hold Special Police Council Meetings in accordance with a general liability legal settlement. The Management Committee is seeking authorization to close the loophole in these incidents and have the authority to settle all general liability claims up to its SIR.

STAFF RECOMMENDATION

That Council adopts Resolution No. 2022/02 to increase the Management Committee's settlement authority for police liability lawsuits.

Respectfully submitted,

Dave Donery
Management Committee

Todd Cusimano
Management Committee

Daniel Schwarz
Management Committee

Attachments:

1. Resolution No. 2022/02

**CENTRAL MARIN POLICE AUTHORITY
RESOLUTION NO. 2022/02**

**A RESOLUTION OF THE CENTRAL MARIN POLICE COUNCIL
OF THE CENTRAL MARIN POLICE AUTHORITY
DELEGATING AUTHORITY REGARDING THE SETTLEMENT OF GENERAL
LIABILITY CLAIMS**

WHEREAS, the Central Marin Police Authority wishes to delegate authority to settle all current and future general liability claims to the members of its Management Committee on behalf of the Central Marin Police Authority;

WHEREAS, the Central Marin Police Authority Management Committee is made up of the current City/Town Manager from each of its participating agencies (Larkspur, Corte Madera and San Anselmo);

WHEREAS, the Central Marin Police Authority is a member of the Bay Cities Joint Powers Insurance Authority insurance pool and has a self insured retention of \$100,000 for general liability claims; and

NOW, THEREFORE, BE IT RESOLVED, that the Central Marin Police Council hereby does delegate to the incumbents of the position of the Management Committee, authority to settle all general liability claims on behalf of the CMPA.

IT IS HEREBY CERTIFIED, that the foregoing resolution was duly introduced and adopted at a regular meeting of the Central Marin Police Authority Council on the 10th day of February 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:
ATTEST:

Rebecca Vaughn, Authority Clerk
Central Marin Police Authority

Ford Greene, Council Chair
Central Marin Police Authority