

RESOLUTION NO. CC-2016-14

**"A RESOLUTION ADOPTING THE GUIDELINES FOR
PROCESSING TORT CLAIMS AND WORKERS'
COMPENSATION CLAIMS VALUED AT LESS THAN
\$50,000.00"**

WHEREAS, on the 4th day of April, 2016, the City Council adopted Ordinance No. 3338 delegating to the City Manager the authority to settle tort claims and workers' compensation claims valued at less than fifty thousand dollars (\$50,000.00); and

WHEREAS, said ordinance mandates that the City Council adopt by resolution guidelines for the processing of such claims by City Administration and the City Attorney's Office; and

WHEREAS, it is the intention of the City Council to follow said mandate with the adoption of this resolution.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STILLWATER THAT:

The attached "GUIDELINES FOR PROCESSING TORT CLAIMS AND WORKERS' COMPENSATION CLAIMS VALUED AT LESS THAN \$50,000.00" are hereby adopted by the City Council pursuant to Ordinance No. 3338 and shall become effective upon the final passage and publication of said ordinance.

PASSED, APPROVED AND ADOPTED this 16th day of May, 2016.

GINA J. NOBLE, MAYOR

(SEAL)

ATTEST:

ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 16TH DAY OF MAY, 2016.

JOHN E. DORMAN, CITY ATTORNEY

**GUIDELINES FOR PROCESSING TORT CLAIMS
AND WORKERS' COMPENSATION CLAIMS
VALUED AT LESS THAN \$50,000.00**

Section 1: Tort Claims

All tort claims shall be received by the City Clerk. The original document and attachments shall be file stamped, a copy made, and immediately forwarded to City Attorney's Office for review.

The City Attorney's Office (Claims Administrator) shall open a claim file and notify the Claimant in writing that the claim has been received. An initial review shall be conducted by the Claims Administrator. Affected department(s) shall be notified of receipt of the claim by the Claims Administrator. Records and similar evidence pertaining to the claim shall be immediately forwarded to the Claims Administrator by the affected department.

The Claims Administrator shall investigate the allegations set forth in the claim.

The Claims Administrator shall advise the affected department of the findings and prepare an "initial report" that includes a recommendation for disposition. The initial report shall be forwarded to City Manager for review.

Recommendation to pay entire claim: If the City Manager concurs with a recommendation to pay a tort claim, the Claimant shall be notified of the decision and necessary documentation shall be forwarded to Finance Department for processing and payment.

Recommendation to pay part of the claim: If the City Manager concurs with a recommendation to pay part of a tort claim, the Claimant shall be notified of the decision and a settlement proposal shall be forwarded to the Claimant for consideration. If the Claimant accepts the settlement, necessary documentation shall be forwarded to the Finance Department for processing and payment. If the Claimant rejects the settlement offer, and no other or alternative settlement agreement is reached, then the claim shall be deemed denied by the City Manager. Denial of a claim under these circumstances shall be considered final and the Claimant may commence suit in Payne County District Court in accordance with the Oklahoma Governmental Tort Claims Act, 51 O.S. §151, *et seq.*

Recommendation to deny claim: If the City Manager concurs with a recommendation to deny payment of a tort claim or rejects a recommendation to pay all or part of a tort claim, the Claimant shall be notified in writing of the City Manager's decision. The Claimant shall also be advised that the City Manager's decision is final and that s/he may elect to commence suit in Payne County District Court in accordance with the Oklahoma Governmental Tort Claims Act, 51 O.S. §151, *et seq.*

The City Attorney's Office shall make all reasonable efforts to complete the investigation and initial report process within sixty (60) days of the date the claim is received by the City Clerk.

All claims shall be submitted to the City Manager and/or City Council in accordance with the above procedure(s) for disposition. The City Attorney's Office is not authorized to "time out" a claim without prior consent of the City Manager and/or City Council.

City Administration and Departments shall promptly and fully respond to requests for documents and information pertaining to tort claims. The City Attorney's Office shall have full access to department files, records and employees for the purpose of resolving open claims.

The City Manager shall promptly report the payment of all tort claims under this procedure to the City Council.

The City Manager and City Attorney shall jointly develop forms and informational materials to facilitate the filing and processing of claims under this procedure.

Section 2: Workers' Compensation Claims

Initial claim processing shall be handled by the Human Resources Department and/or the Third Party Claims Administrator as appropriate. The City Attorney's Office shall provide legal advice to these entities during this phase upon request.

Claims deemed ready for settlement by the Human Resources Department/Third Party Administrator shall be transferred to the City Attorney's Office for evaluation and possible final disposition. All files developed by Human Resources or the Third Party Claims Administrator for any such claim shall be forwarded or made immediately available to the City Attorney's Office for this purpose.

The City Attorney's Office shall examine all claim records, medical evaluations and settlement recommendations and determine the appropriate disposition for the claim. If the City Attorney's Office finds that settlement is appropriate, it shall prepare a written report and recommendation for the City Manager to review. Should the City Attorney's Office conclude that further evaluation is required, it may withhold any such report and recommendation and instruct Human Resources or the Third Party Claims Administrator to schedule such additional diagnosis or testing as necessary to resolve the claim.

No claim shall be settled under this section unless the City Manager and City Attorney both agree in writing as to the appropriate disposition. If approved, the City Manager is authorized to direct the Finance Department to execute payment of the claim in accordance with Workers' Compensation Court rules or as otherwise ordered by the Workers' Compensation Court Administrator.

Should the City Manager and City Attorney not agree, the City Attorney shall have the option to present the claim report and recommendation to the City Council for consideration.