



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		August 23, 2010		
Department:		Risk Management		
Department Head		Darrell Edwards		
Agenda Coordinator (include phone #): <b>Kim Kreidler 972.941.7129</b>				
<b>CAPTION</b>				
<p>An Ordinance of the City of Plano, Texas repealing Ordinance No. 2001-2-27 codified as Section 2-9 Lawsuits and Risk Management of Article I In General, of Chapter 2 Administration of the Code of Ordinances of the City of Plano, Texas and replacing it with a new Section 2-9 to revise the settlement authority of the City Council and the City Manager regarding City claims or lawsuits, and to dissolve the Risk Management Steering Committee; providing a severability clause, a repealer clause, a savings clause, a publication clause and an effective date.</p>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(S):</b>				
<b>COMMENTS:</b> This item has no fiscal impact.				
STRATEGIC PLAN GOAL				
<b>SUMMARY OF ITEM</b>				
<p>This Ordinance revises the settlement authority of the City Council and the City Manager regarding City claims and lawsuits and dissolves the Risk Management Steering Committee.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

**An Ordinance of the City of Plano, Texas repealing Ordinance No. 2001-2-27 codified as Section 2-9 Lawsuits and Risk Management of Article I In General, of Chapter 2 Administration of the Code of Ordinances of the City of Plano, Texas and replacing it with a new Section 2-9 to revise the settlement authority of the City Council and the City Manager regarding City claims or lawsuits, and to dissolve the Risk Management Steering Committee; providing a severability clause, a repealer clause, a savings clause, a publication clause and an effective date.**

**WHEREAS**, the City Council approved Ordinance No. 2001-2-27 on February 26, 2001 designating the settlement authority of the City Manager and the City Council regarding City claims or lawsuits, and establishing a Risk Steering Committee to make recommendations on claims and risk management policy.

**WHEREAS**, the City Council desires to repeal this Ordinance and replace it with an Ordinance revising the authority of the City Manager and the City Council regarding settlement of City claims and lawsuits as designated below.

**WHEREAS**, the City Council further desires to revise this Ordinance by dissolving the Risk Management Steering Committee.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Ordinance No. 2001-2-27 codified as Section 2-9 Lawsuits and Risk Management, of Article I. In General, of Chapter 2 Administration, is hereby repealed and replaced to read in its entirety as follows:

**“Sec. 2-9. Lawsuits and risk management.**

- (a) Authority to file suit on behalf of the city.
  - (1) The city attorney or her designee has authority to institute lawsuits on behalf of the City of Plano for collections and damages to city property or personnel, either directly or through subrogation rights, wherein the claim does not exceed one hundred thousand dollars (\$100,000.00). In cases where the claim exceeds one hundred thousand dollars (\$100,000.00), the city attorney must obtain city council approval of the lawsuit through either resolution or ratification.
  - (2) The city attorney or her designee has authority to execute any and all documents necessary to effectuate an authorized lawsuit on behalf of the city.
  
- (b) Settlement authority.
  - (1) The city manager or his designee has authority to compromise and settle all claims or lawsuits in favor of or against the City of Plano up to fifty thousand dollars (\$50,000.00). The city council expressly reserves authority to compromise and settle all claims and lawsuits in favor of or against the city in excess of fifty thousand dollars (\$50,000.00). Further, except as provided by this section, the city council reserves and retains its right and powers under paragraph [r], Section 3.07 of the City Charter

to compromise and settle any claim or lawsuit in favor of or against the city, regardless of the settlement amount.

- (2) The city manager or his designee has authority to execute any and all documents necessary to effectuate an authorized settlement and final disposition of a claim or lawsuit.”

**Section II.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section III.** All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section IV.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section V.** This Ordinance shall become effective immediately upon its passage and publication as provided by law.

**DULY PASSED AND APPROVED** this the 23rd day of August, 2010.

---

Phil Dyer, MAYOR

ATTEST:

---

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

---

Diane C. Wetherbee, CITY ATTORNEY