

RESOLUTION 2019-1525

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DELEGATING CLAIMS HANDLING AND SETTLEMENT AUTHORITY TO GENERAL MANAGER

WHEREAS, Part 3 of Division 3.6 of the California Government Code (commencing at section 900) requires claims for money or damages against local agencies such as the Nipomo Community Services District ("District") to be processed in accordance with certain procedural requirements; and

WHEREAS, the District Board of Directors ("Board") desires to provide for the prompt, efficient, and economical handling of these claims and therefore intends by this resolution to delegate certain responsibilities under the claims statutes to the District General Manager ("General Manager").

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of the Nipomo Community Services District, San Luis Obispo County, California, as follows:

1. The recitals are true, accurate, and hereby incorporated by reference.
2. Pursuant to Government Code section 900, et seq., the Board hereby authorizes the General Manager to return or reject as insufficient or untimely any claims against the District and to provide any related notices to the claimant(s) on behalf of the District. With respect to any claim seeking less than \$2,500, the Board hereby authorizes the General Manager to deny any claim that the General Manager deems to be unfounded or otherwise not in the best interests of the District to settle, compromise, or pay, and to provide any related notices to the claimant(s) on behalf of the District. Any claim that the General Manager has determined is (i) timely, (ii) meets all statutory requirements for proper presentation pursuant to Government Code section 900, et seq., and (iii) seeks \$2,500 or more, shall be presented to the Board for consideration and action.
3. Pursuant to Government Code section 935.4, the Board hereby authorizes the General Manager to allow, compromise, or settle, as the best interests of the District may dictate, any and all claims in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per claim, and to take all appropriate steps to conclude any proceedings involving such claims, provided, however, that money to settle claims generally has been appropriated by the District and money is available within such appropriation for the settlement, allowance, compromise or payment of the claim by the General Manager. The General Manager is hereby authorized, ordered and directed to execute any agreements and other documents on behalf of the District which may be necessary to accomplish and complete any such allowance, compromise, or settlement. Upon the written order of the General Manager, the District's Finance Director shall cause a warrant to be issued upon the treasury of the District in the amount for which a claim has been allowed, compromised, or settled.
4. Settlement of claims that exceed \$2,500 require Board approval.

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5. The General Manager is hereby authorized and directed, on behalf of the Board, to make all approvals and take all actions necessary or appropriate to carry out and implement the intent of this Resolution.
6. Nothing contained herein shall prevent the Board from reviewing, considering or acting upon any claim or litigation matter at its sole and absolute discretion.
7. This Resolution shall take effect immediately upon adoption.

On the motion of Director Blair, seconded by Director Armstrong, and on the following roll call vote, to wit:


AYES: Director Blair, Armstrong, Woodson, Gaddis and Blair
NOES: None
ABSENT: None
CONFLICTS: None

The foregoing resolution is hereby adopted this 28th day of August, 2019.



ED EBY
President, Board of Directors

ATTEST:



MARIO IGLESIAS
General Manager and Secretary to the Board

APPROVED AS TO FORM:



WHITNEY McDONALD
District Legal Counsel