



# STAFF REPORT

**Meeting Date:** February 15, 2023  
**To:** Board of Directors  
**From:** Michael J. Aho – District Administrator  
**Subject:** Adoption of Resolution to Establish Claims Handling Delegation of Authority  
**Prepared By:** Jennifer Larkin, Administrative Services Manager

**I. Recommendation**

Staff recommends adoption of a resolution delegating basic claim handling authority to the District’s District Administrator or designee, as authorized by Government Code § 935.4.

**II. Background**

California Government Code §§ 900-960.8 establishes the procedures for asserting a claim against local public entities such as the District. These Code sections also proscribe the manner and time in which the District may respond to claims.

The District is a member of the California Association for Park and Recreation Indemnity (“CAPRI”) which administers the District’s self-insurance program for General Liability claims. Claims for money or damages that are presented against the District are first provided to CAPRI for review and comment. When appropriate, and after an investigation of the claim, CAPRI may make recommendations as to how the District should respond (i.e. reject, accept, no action, etc.). Thereafter, the District’s Board of Directors reviews the claim, CAPRI’s recommendation (if any), and authorizes appropriate action on behalf of the District. This is the case whether the claim is for \$1 or \$10,000.

However, depending upon the timeframe in which the claim is received, important statutory deadlines to respond may expire before the matter can be investigated, reviewed, and brought to the District’s Board for consideration. As such, State law allows local public entities the ability to

authorize District staff to perform this routine administrative task when the claim is less than \$50,000. See attached Government Code § 935.4.

**III. Problem /Situation/ Request**

Based on the current delegated authority given to the District Administrator to approve expenses up to \$2,000, the recommendation is to approve the attached resolution (Attachment B) giving the District Administrator, or designee, the authority to administratively resolve claims that are \$2,000 or less. Claims that exceed \$2,000 would continue to be brought before the Board for consideration and action.

**IV. Financial Analysis**

There is no fiscal impact to the District.

Respectfully Submitted,



Michael J. Aho  
District Administrator

Attachment A: Government Code § 935.4

Attachment B: Resolution No. 021523-01 Establishing a Policy which delegates basic claim handling authority to the District Administrator or Designee in an amount not to exceed \$2,000 as authorized by Government Code § 935.4.

## [Cal Gov Code § 935.4](#)

Deering's California Codes are current through the 2022 Regular Session.

*Deering's California Codes Annotated* > **GOVERNMENT CODE** (§§ 1 — 500000–500049) > **Title 1 General (Divs. 1 — 10)** > **Division 3.6 Claims and Actions Against Public Entities and Public Employees (Pts. 1 — 9)** > **Part 3 Claims Against Public Entities (Chs. 1 — 6)** > **Chapter 6 Claims Procedures Established by Public Entities (§§ 935 — 935.9)**

### **§ 935.4. Performance of functions of local governing body by employee; Restriction as to amount of claim allowed**

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A charter provision, or a local public entity by ordinance or resolution, may authorize an employee of the local public entity to perform those function's of the governing body of the public entity under this part that are prescribed by the local public entity, but only a charter provision may authorize that employee to allow, compromise, or settle a claim against the local public entity if the amount to be paid pursuant to the allowance, compromise or settlement exceeds fifty thousand dollars (\$50,000). A charter provision, ordinance, or resolution may provide that, upon the written order of that employee, the auditor or other fiscal officer of the local public entity shall cause a warrant to be issued upon the treasury of the local public entity in the amount for which a claim has been allowed, compromised, or settled.

### **History**

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Added Stats 1963 ch 1715 § 1. Amended Stats 1965 ch 653 § 15; Stats 1981 ch 317 § 1; [Stats 1989 ch 159 § 1](#).

Deering's California Codes Annotated  
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**RESOLUTION NO. 021523-01**

**BEFORE THE GOVERNING BOARD OF THE  
FAIR OAKS RECREATION AND PARK DISTRICT**

**County of Sacramento, State of California**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FAIR OAKS RECREATION AND  
PARK DISTRICT ESTABLISHING A POLICY WHICH DELEGATES BASIC CLAIM  
HANDLING AUTHORITY TO THE DISTRICT ADMINISTRATOR OR DESIGNEE IN AN  
AMOUNT NOT TO EXCEED \$2,000 AS AUTHORIZED BY GOVERNMENT CODE § 935.4**

**WHEREAS**, Section 935.4 of the Government Code of the State of California provides that a local public entity may authorize an employee of the local public entity to resolve a claim against the local public entity; and,

**WHEREAS**, the District has now determined to adopt such a policy.

**NOW, THEREFORE, BE IT RESOLVED** that the District Administrator or the District Administrator's designee, is authorized to take administrative actions, including, but not limited to, rejecting, accepting or settling claims against the District, necessary to resolve claims against the District that do not exceed \$2,000, pursuant to the provisions of Government Code Section 935.4. Nothing contained in this Resolution shall prevent the District Administrator from forwarding any claim in any amount to the Board of Directors for consideration and action, as the District Administrator deems appropriate.

**PASSED AND ADOPTED**, at a regular meeting of the Board of Directors of the Fair Oaks Recreation and Park District on the 15th day of February, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

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Darren Mounts, Board Chair  
Fair Oaks Recreation and Park District

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Michael J. Aho, District Administrator  
Fair Oaks Recreation and Park District







# 8.7 Adoption of Resolution to Establish Claims Handling Delegation of Authority

Final Audit Report

2023-02-10

Created:	2023-02-10
By:	Jennifer Larkin (jlarkin@forpd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbAytQEoON7Y4Yz4yxa_VXJmIf1hqETk

## "8.7 Adoption of Resolution to Establish Claims Handling Delegation of Authority" History

-  Document created by Jennifer Larkin (jlarkin@forpd.org)  
2023-02-10 - 11:17:04 PM GMT
-  Document emailed to maho@forpd.org for signature  
2023-02-10 - 11:17:31 PM GMT
-  Email viewed by maho@forpd.org  
2023-02-10 - 11:25:48 PM GMT
-  Signer maho@forpd.org entered name at signing as Michael J. Aho  
2023-02-10 - 11:31:41 PM GMT
-  Document e-signed by Michael J. Aho (maho@forpd.org)  
Signature Date: 2023-02-10 - 11:31:43 PM GMT - Time Source: server
-  Agreement completed.  
2023-02-10 - 11:31:43 PM GMT