

RESOLUTION NO. 2009-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ADOPTING A RISK MANAGEMENT PROGRAM**

WHEREAS, the City of Los Altos is a member of the Association of Bay Area Governments (ABAG) Plan; and

WHEREAS, to comply with best practices standards, it is recommended that a risk management policy be established in a public agency to accomplish certain goals; and

WHEREAS, it is the intent of the City of Los Altos to provide a safe environment for its residents, visitors, and employees in which to live and work; and

WHEREAS, the City of Los Altos desires to provide workers' compensation coverage for City volunteers pursuant to the provisions of Section 3363.5 of the California Labor Code; and

WHEREAS, the City of Los Altos finds its best interest will be served by utilizing volunteers in the provision of certain City services; and

WHEREAS, said volunteers should be eligible for workers' compensation coverage while on duty; and

WHEREAS, the public interest is best served by providing workers' compensation coverage to City volunteers to protect the City from potential costly litigation and provide volunteers access to the same procedures for care and medical treatment as are provided to other City employees in the event of an injury or illness resulting from their services to the City;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos does hereby find and determine that the public interest is best served by providing workers' compensation coverage to City volunteers, and City volunteers shall be deemed to be employees for purposes of Division 4 of the California Labor Code while the person actually performs volunteer services, provided that the rights of volunteers shall be limited to those benefits set for the in the Labor Code.

The City Council of the City of Los Altos does hereby adopt a Risk Management Program to preserve its human, physical, and financial resources from the risk of accidental loss. The major goals of the Risk Management Program are:

- To eliminate or reduce the risk or loss;
- To apply responsive claims management techniques to losses that do occur; and
- To protect the City budget from catastrophic losses, or an annual accumulation of losses, that would cause financial hardship. Catastrophic loss is defined as any loss that substantially risks the City's assets.

The components of the Risk Management Program are:

- Establishment of a Risk Management Committee (RMC)
- A systematic process to identify, measure, and control loss exposures;
- A Citywide hazard identification system to quickly identify hazardous conditions and effect repairs;
- Encouragement of employees to properly notify appropriate parties of any condition that may expose someone to injury or damage;

- Review of all incident reports and claims; including a process to determine their cause, preventability, methods to prevent future occurrences, and claims and litigation defense strategy;
- A risk transfer process that assures the use of hold harmless and indemnity clauses in all City agreements, contracts, leases, and permits; and the use of insurance clauses that provide adequate protection to the City, within the judgment of the City Manager;
- A safety review process which encourages and discusses employee suggestions on safer operations within the City; and
- Establishment of self-insurance retention limits consistent with the City's financial resources; establishment of reserves on all self-insured losses to recognize the expected future cost, and appropriate funds to cover all self-insured liabilities; and insurance for risks and catastrophic loss potential shall be purchased whenever it is economically feasible; within the judgment of the City Manager.

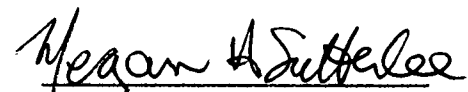
The Risk Management Program acknowledges that City volunteers are entitled to workers' compensation insurance coverage and includes them in the workers' compensation insurance program.

Overall responsibility for the Risk Management Program shall lie with the City Manager. Risk Management shall be the responsibility of each Department Manager. The Risk Manager shall be the City's liaison with the ABAG Plan and its claim administration program. The Risk Management Committee in coordination with the Safety Committee shall assist in the accountability efforts and implementation of the Risk Management Program.


Administration and management of the claims process resides with the Los Altos Claims Board consisting of the City Manager, City Clerk and the Risk Manager pursuant to Los Altos Municipal Code, Chapter 3.08.040. The Claims Board has the authority to receive all claims pursuant to Government Code Section 900 et seq., give notice to claimant, conduct investigations and accept, reject, settle or compromise claims for the amount up to the self insured retention and make recommendations to the pool or other insurance carriers.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 24th day of March 2009 by the following vote:

AYES:	PACKARD, CARPENTER, CASAS, BECKER, SATTERLEE
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE


Megan Satterlee, MAYOR

Attest:


Susan Kitchens, CITY CLERK