

RESOLUTION NO. _____ (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WATSONVILLE ADOPTING A POLICY FOR RESPONDING TO
LAWSUITS**

WHEREAS, Section 804 of the City Charter provides that the City Attorney has the power and is required to:

(a) *Represent and advise the Council and all City officers in all matters of law pertaining to their offices;*

(b) *Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee or former City officer or employee in any or all actions and proceedings in which any such City officer or employee is concerned or is a party, for any action arising out of his employment or by reason of his official capacity;*

(g) *Perform such other legal duties consistent with this Charter as may be required of him by the Council; and*

The Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein; and

WHEREAS, State and federal law generally require responses to lawsuits be filed with the court within 20 to 30 days, depending on which jurisdiction, after being delivered to the City Clerk's Office; and

WHEREAS, depending on when in the cycle of publicly noticed regular Council meetings the complaint is received by the City Clerk, the City Clerk may

not have a regular meeting in time for retention of counsel, obtaining legal advice and filing an appropriate court response; and

WHEREAS, the City Attorney has advised the Council that it is sometimes not possible to get permission to wait for a Council meeting to obtain approval to respond to the lawsuit; and

WHEREAS, the City Council will retain its prerogative to direct the management of any lawsuit against the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

The City Council authorizes the City Attorney to make a preliminary decision and file all necessary papers to respond to lawsuits against the City of Watsonville under the following circumstances:

- a) The City Attorney has reviewed the legal issues presented by the case and has determined what would protect or advance the City's legal interests; and
- b) The City Attorney has consulted with the City Manager and if appropriate the City's Risk Manager in order to fairly represent the City's interests and comply with the Council's policies and past practices.
