

RESOLUTION NO. 349

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RIDGECREST, CALIFORNIA, PROVIDING FOR
DETERMINATION OF RESPONSIBILITY FOR DAMAGE
BY CITY EMPLOYEES

WHEREAS, accidents involving City property and equipment frequently result in insurance claims or uninsured costs to the City for damages to City or private property; and

WHEREAS, such claims tend to raise the City's premium payments for liability and collision insurance; and

WHEREAS, the City Council desires to reduce the number of insurance claims and to establish a policy for determining employee responsibility for damages;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGECREST RESOLVES:

1. Any City employee involved in any accident, no matter how minor, involving damage to any City equipment or to any private or public property, shall report such accident, or cause such accident to be reported, immediately after its occurrence to the City Police Department and to the employee's supervisor. Failure to promptly report such accident shall be grounds for disciplinary action as provided in the Personnel Rules and Regulations.

2. The City Police Department shall investigate each accident reported to it by any City employee, prepare a report on its standard accident report form, and forward copies thereof to the City Administrator and to the head of the department of the employee involved.

3. If the accident is a minor accident not involving traffic and/or bodily injury or damage to private property, the supervisor shall prepare a report on the details thereof and shall forward copies of his report to the City Administrator and to the head of his department.

4. The City Administrator shall investigate the circumstances of each non-injury accident and, after conferring with the appropriate department head and the employee involved in the accident, shall determine whether the employee should be held responsible for reimbursing the City for any damages involved.

5. In the case of any accident involving injuries to a person, or property damage in excess of \$200.00, the City Administrator shall forward the police report to the insurance carrier and shall take further action pursuant to this resolution only if the insurance carrier determines the employee was negligent and the claim, if any, has been settled.

6. If the City Administrator determines that the employee shall be held responsible for reimbursing the City for any damages involved, he shall:

a. Inform the employee's department head and confer with him as to appropriate discipline;

b. Determine the cost to the City of restoring the property damaged;

c. Notify the employee and department head in writing of:

- (1) The determination of responsibility;
- (2) The estimate of the City's costs;
- (3) The discipline which the City Administrator deems appropriate;
- (4) The employee's right of appeal to the City Council;
- (5) The employee's option to execute an agreement of reimbursement to the City for damages.

7. An employee found to be responsible to the City for the damages involved shall have the right to file an appeal to the City Council by submitting his appeal in writing to the City Clerk within ten (10) days after receiving written notice of the City Administrator's determination. The appeal need only state the employee desires to appeal the finding to the City Council. The City Clerk shall refer the matter to the City Council at its next regular meeting, and any discipline fixed shall be stayed until the appeal is determined.

8. The City Council may affirm, reverse or modify the finding of the City Administrator, and may modify the amount of damages to be reimbursed to the City by the employee or the discipline to be imposed. The City Council's action shall be final.

9. Upon failure of the employee to file an appeal within the time provided, or upon City Council action on any appeal determining the employee is responsible, the employee shall have the option of executing an agreement to reimburse the City for any costs and damages incurred, or of accepting the discipline specified by the City Administrator or the City Council.

10. The City Administrator shall arrange payroll deductions for employees requesting same for reimbursement to the City for such costs and damages.

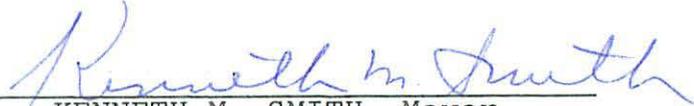
11. The City Administrator may specify more severe discipline, including a recommendation for dismissal, for second and subsequent accidents involving findings of responsibility.

APPROVED AND ADOPTED this 6th day of May, 1971,
by the following vote:

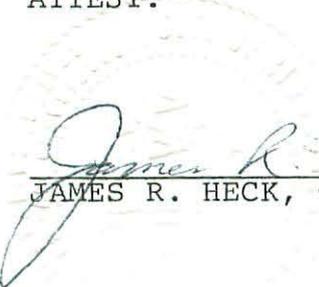
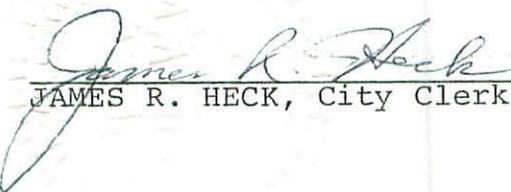
AYES: Mayor Smith, Councilmen Edwards, Fox, Kessler and
Shacklett

NOES: None

ABSENT: None


KENNETH M. SMITH, Mayor

ATTEST:



JAMES R. HECK, City Clerk