

RESOLUTION NO. 66-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS OR AGREEMENTS, AND PURSUE OTHER LEGAL ACTION AS MAY BE NECESSARY, REGARDING THE CITY'S RIGHTS AND OBLIGATIONS UNDER ITS PROPERTY DAMAGE INSURANCE COVERAGE WITH THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL.

WHEREAS, the City of Abilene carries property damage insurance through the Texas Municipal League Intergovernmental Risk Pool; and

WHEREAS, the City of Abilene received major property damage as the result of a hail storm occurring on June 12, 2014; and

WHEREAS, the City of Abilene has diligently pursued evaluation of and repair of damage to municipal buildings, roofs, vehicles and other property caused by the storm; and

WHEREAS, the City of Abilene continues to evaluate and seek repair of damage caused to municipal buildings and roofs by the storm; and

WHEREAS, the property damage insurance held with the Texas Municipal League Intergovernmental Risk Pool requires that repairs be commenced or completed within a two-year period following the date the damage occurs; and

WHEREAS, due to the complexity of property damage the City incurred, and the number of municipal buildings and roofs that received damage from the hail storm, it is reasonably anticipated that evaluation of and repair of the damaged property will not be commenced or completed by June 12, 2016; and

WHEREAS, it is necessary for the City to reach an agreement with the Texas Municipal League Intergovernmental Risk Pool regarding an extension of time to evaluate and repair the damage to City property; and

WHEREAS, the City believes that it will reach such an agreement with the Texas Municipal League Intergovernmental Risk Pool, but if such an agreement cannot be reached, the City must protect and enforce its rights and obligations under the insurance policy by other legal means, including but not limited to seeking relief in a court of law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Part 1: The City Manager, or his designee, is hereby authorized without limitation to negotiate and execute any documents or agreements with the Texas Municipal League Intergovernmental Risk Pool to extend the deadline to evaluate and repair the City's property damaged caused by the June 12, 2014 hail storm.

Part 2: The City Manager, or his designee, is hereby authorized without limitation to pursue any and all legal means to protect and enforce the rights and obligations of the City of Abilene under the terms of the property damage insurance policy with the Texas Municipal League Intergovernmental Risk Pool, including but not limited to seeking relief in a court of law.

Part 3. That this Resolution takes effect immediately upon its adoption.

ADOPTED this 12th day of May, 2016.

ATTEST:


Danette Dunlap, City Secretary


Norman Archibald, Mayor

APPROVED:


Stanley Smith, Interim City Attorney