

1 BEFORE THE BOARD OF SUPERVISORS

2 OF THE COUNTY OF FRESNO

3 STATE OF CALIFORNIA

4 ORDINANCE NUMBER 21-015

5 AN ORDINANCE ADDING CHAPTER 5.02 TO TITLE 5 OF THE FRESNO COUNTY
6 ORDINANCE CODE PERTAINING TO DELEGATED SETTLEMENT AND REJECTION
7 AUTHORITY

8 The Board of Supervisors of the County of Fresno ordains as follows:

9 **Section 1.** That the Fresno County Ordinance Code is hereby amended by adding Chapter
10 5.02 of Title 5 to read as follows:

11 "Chapter 5.02 – DELEGATED SETTLEMENT AUTHORITY

12 Section 5.02.010 – County Administrative Officer
13 Section 5.02.020 – Human Resources Director
14 Section 5.02.030 – County Counsel
15 Section 5.02.040 – General Provisions

16 Section 5.02.010 – County Administrative Officer

17 The County Administrative Officer shall have the authority to settle or compromise any
18 claim, lawsuit or action against the County or any claim, lawsuit or action the County has
19 against another person or entity in an amount not to exceed fifty thousand dollars (\$50,000).
20 Prior to executing or approving any such settlement or compromise, the County Administrative
21 Officer shall consult with County Counsel.

22 Section 5.02.020 – Human Resources Director

23 The Human Resources Director, or their designee, is authorized to allow, reject,
24 compromise, or settle:

25 a. Any claim, lawsuit or action filed or brought against the County involving general
tort liability matters covered by the County's self-insured program or excess liability insurance in

1 an amount not to exceed fifty thousand dollars (\$50,000), excluding expenses and attorney's
2 fees, provided the claim or action is not subject to the terms of an insurance policy wherein the
3 insurer is granted the authority to allow, deny, compromise or settle claims or actions within the
4 scope of such policy.

5 b. Any employment practices liability or personnel disciplinary matter in an amount
6 not to exceed \$50,000, with the concurrence of the relevant department head and County
7 Counsel, and in which any payment of additional salary, benefits or backpay does not exceed
8 thousand dollars (\$30,000), excluding expenses and attorney's fees.

9 c. Through Compromise and Release Agreements or Stipulated Award any
10 Workers' Compensation claim or case that is filed against the County of Fresno by or on behalf
11 of an employee or officer related to a work-related illness, injury, or death; provided:

12 (1) The amount to be paid pursuant to such allowance, compromise or
13 settlement does not exceed \$50,000 in new monies;

14 (2) If the amount to be paid exceeds \$50,000 in new monies, the allowance,
15 compromise, or settlement must be approved by the Board of Supervisors.

16 (3) The claim or action is for benefits as defined under the California Workers'
17 Compensation laws;

18 (4) The claim or action is not subject to the terms of an insurance policy
19 wherein the insurer is granted the authority to allow, deny, compromise, or settle claims or
20 actions within the scope of such policy; and

21 (5) Any such compromise or settlement is approved by the Workers'
22 Compensation Appeals Board.

1 Section 5.02.030 – County Counsel

2 The County Counsel may waive, settle or compromise an amount of recoverable costs
3 otherwise due the County in litigation or other action in an amount not to exceed five thousand
4 dollars (\$5,000) in exchange for a dismissal of said litigation or action by the opposing party.

5 Whenever the litigation or other action involves a general tort liability matter, the County
6 Counsel shall consult with the County Risk Manager prior to such waiver, settlement or
7 compromise of recoverable costs.

8 Section 5.02.040 – General Terms and Definitions

9 (a) For purposes of this Chapter 5.02, “County” shall include any County officer or
10 employee acting within the scope of their course of employment for the County.

11 (b) Nothing in this Chapter 5.02 shall prevent the Board of Supervisors, prior to the
12 time that any waiver, compromise or settlement governed by this Chapter has become legally
13 binding on the County, from taking formal action in a properly noticed Board of Supervisors
14 meeting and in conformity with State law that overturns or countermands the proposed waiver
15 compromise or settlement made under the provisions of this Chapter.

16 (c) Nothing in this Chapter 5.02 shall prevent the Board of Supervisors from formal
17 action taken in a properly noticed Board of Supervisors meeting and in conformity with State law
18 delegating other settlement authority levels or terms to any County official on a specific claim,
19 case or action.

20 (d) The County Administrator, Human Resources Director and County Counsel shall
21 provide reports to the Board of Supervisors of matters settled, compromised, or resolved
22 pursuant to this Chapter 5.02, no less frequently than annually.

1 **Section 2:** This ordinance shall take effect thirty (30) days after final passage.

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3 THE FOREGOING was passed and adopted by the following vote of the Board of

4 Supervisors of the County of Fresno this 21st day of September, 2021, to wit:

5 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

6 NOES: None

7 ABSENT: None

8 ABSTAINED: None

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STEVE BRANDAU, CHAIRMAN
12 BOARD OF SUPERVISORS COUNTY OF
13 FRESNO, STATE OF CALIFORNIA

14 ATTEST:

15 BERNICE E. SEIDEL, CLERK OF THE
16 BOARD OF SUPERVISORS COUNTY OF
17 FRESNO, STATE OF CALIFORNIA

18 By Bernice Seidel

19 Deputy

20 FILE # 21-0890

21 AGENDA # 38

22 ORDINANCE # 21-015