

Resolution of the Board of Supervisors of the County of Fresno Increasing the Minimum Amount of the Claims that Must be Reviewed by the Claims Review Committee from \$5,000 to \$25,000

WHEREAS, by section 3 of Resolution No. 76-1117B, on June 1, 1976, the Board of Supervisors (“Board”) created the Claims Review Committee, to be convened by the County Administrative Officer (“CAO”) or their designee;

WHEREAS, section 4 of Resolution No. 76-1117B provides that the membership the Claims Review Committee shall include County Counsel or their designee, the CAO or their designee, a representative of the staff of any independent contractor retained to investigate claims, and, when the CAO deems it necessary, outside, independent legal counsel actively engaged in providing legal defense of the County against claims for damage;

WHEREAS, under section 3 of Resolution No. 76-1117B, the Claims Review Committee is required to review each claim against the County, the payment of which is estimated to exceed \$5,000, and is permitted to review claims for which payment in smaller amount could be made, and to make a recommendation on such claims, for decision by the Board;

WHEREAS, the CAO has designated the Human Resources Director (“HR Director”), and the HR Director has designated the Risk Manager, in the Department of Human Resources, to serve on the Claims Review Committee, and the Risk Manager currently serves as co-chair with the County Counsel’s designee;

WHEREAS, the Claims Review Committee meets each month to review claims presented to the County under the Government Claims Act (Gov. Code, Tit. 1, Div. 3.6, beginning with section 810), and to make recommendations to the Board on whether to allow or reject such claims;

WHEREAS, the \$5,000 threshold established in 1976 is no longer practical, given the intervening several decades of inflation and the number of claims received by the County, and the Risk Manager has recommended increasing the threshold to \$25,000;

1 WHEREAS, Resolution No. 76-1117B also provided a delegation of authority to the CAO
2 to receive, investigate, negotiate, settle, and pay claims against the County in amounts not to
3 exceed \$5,000 per occurrence, which authority has now been superseded by Fresno County
4 Ordinance Code section 5.02.010, which provides \$50,000 in such authority to the CAO, and
5 section 5.02.020, which provides \$50,000 in such authority to the HR Director;

6 WHEREAS, the Board wishes to increase the threshold amount for claims that the
7 Claims Review Committee is required to review;

8 **The Board therefore finds, determines, and resolves as follows:**

9 1. All of the recitals above are true and correct.

10 2. The Claims Review Committee is required to review each claim against the
11 County that seeks, or is estimated by the County's Risk Manager to seek, payment of more than
12 \$25,000. The Claims Review Committee is permitted to review claims for smaller amounts.
13 Upon reviewing each claim, the Claims Review Committee must present a recommendation to
14 the Board of Supervisors whether to allow or reject the claim; except that if the claim seeks an
15 amount of less than \$50,000, the Claims Review Committee is permitted instead to present a
16 recommendation to the CAO or the HR Director, consistent with Chapter 5.02 of the County's
17 Ordinance Code.

18 3. To the extent this resolution conflicts with Resolution No. 76-1117B, this
19 resolution supersedes and replaces that resolution.

20 4. This resolution is effective immediately upon its adoption by the Board.

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THE FOREGOING RESOLUTION was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 9th day of August, 2022, to wit:

- AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
- NOES: None
- ABSENT: None
- ABSTAINED: None

Brian Pacheco, Chairman of the Board of Supervisors of the County of Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By:

Deputy