



Board Agenda Item 37

DATE: September 25, 2018

TO: Board of Supervisors

SUBMITTED BY: Daniel C. Cederborg, County Counsel

SUBJECT: Settlement Agreement with Williams & Fickett

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute Settlement Agreement and Release with plaintiff Williams & Fickett in connection with Williams & Fickett v. County of Fresno, Fresno County Superior Court Case No. 13CECG00461 (\$297,000 payment)

ALTERNATIVE ACTION(S):

The Board may elect not to enter into the recommended Settlement Agreement and Release and direct County Counsel to continue the litigation.

FISCAL IMPACT:

Under the recommended Settlement Agreement and Release, the County would pay \$297,000 to the plaintiff Williams & Fickett. There are sufficient funds for this payment in the Auditor-Controller/Treasurer-Tax Collector Org 0410 Property Tax Collection Fund 1150, Tax Losses Reserve Subclass 19240.

DISCUSSION:

The recommended Settlement Agreement and Release would fully resolve the litigation identified above. In that case, the plaintiff Williams & Fickett seeks a refund of property taxes and penalties paid to the County in connection with assessments of personal property to the plaintiff by the County for the 1994 through 2001 tax years.

The recommended Settlement Agreement and Release provides that the County will pay \$297,000 to the plaintiff no later than October 11, 2018. In exchange, the plaintiff will cause a request for dismissal of the lawsuit with prejudice. Both parties will bear their own attorney's fees and costs arising from the lawsuit and related matters. Each party releases the other from all claims that arise from or are connected with the events that gave rise to the lawsuit. Neither party admits any liability. If any additional or future legal proceedings are necessary to enforce the recommended Settlement Agreement and Release, the prevailing party in such a proceeding would be entitled to recover its costs, including reasonable attorney's fees.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Settlement Agreement and Release

CAO ANALYST:

Yussel Zalapa