



County of Fresno

Hall of Records, Rm. 301
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Fresno, California
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Legislation Details (With Text)

File #: 17-0666 **Name:** Resolution Delegating Settlement Authority to CAO

In control: County Counsel

On agenda: 6/6/2017 **Final action:** 6/6/2017

Enactment date: **Enactment #:** Resolution No. 17-306

Title: Adopt Resolution authorizing County Administrative Officer to settle legal disputes, proceedings, actions and litigation in an amount not to exceed Fifty Thousand Dollars (\$50,000) and to authorize County Counsel to waive litigation costs in limited circumstances

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Resolution No. 17-306

Date	Ver.	Action By	Action	Result
6/6/2017	1	Board of Supervisors	Conducted Hearings	Pass

DATE: June 6, 2017

TO: Board of Supervisors

SUBMITTED BY: Daniel C. Cederborg, County Counsel

SUBJECT: Resolution Granting Settlement Authority of Fifty Thousand Dollars (\$50,000) to County Administrative Officer

RECOMMENDED ACTION(S):

Adopt Resolution authorizing County Administrative Officer to settle legal disputes, proceedings, actions and litigation in an amount not to exceed Fifty Thousand Dollars (\$50,000) and to authorize County Counsel to waive litigation costs in limited circumstances.

ALTERNATIVE ACTION(S):

The Board of Supervisors could decline to adopt the resolution.

FISCAL IMPACT:

There is no general fund impact resulting from the adoption of this Resolution.

DISCUSSION:

The Board of Supervisors, by Resolution adopted in 1993, granted settlement authority in Risk Management liability cases to the Director of Human Resources in the amount of ten thousand dollars (\$10,000) and to the Risk Management Director in the amount of five thousand (\$5,000) dollars. This settlement authority is limited to liability claims against the County. No delegation of any settlement authority for general litigation, proceeding or claims in which the County is a party has been granted by the Board of Supervisors. Over time, the low level of risk/liability authority and the lack of any general litigation settlement authority granted to staff has resulted in unnecessary delays in resolving minor cases as well as increased staff time and expense

being expended on setting minor settlement matters on the Board of Supervisors' agenda.

The proposed Resolution would delegate fifty thousand (\$50,000) of settlement authority to the County Administrative Officer to resolve all types of legal disputes, claims, proceedings or litigation to which the County is a party. California Government Code §935.4 allows the Board of Supervisors to delegate to a County official up to fifty thousand dollars of settlement authority on claims against the County. The County Counsel would also be granted authority to waive legal costs up to one thousand five hundred (\$1,500) dollars in exchange for the dismissal of an action against the County. Further, the proposed resolution would authorized the Auditor Controller Treasurer Tax Collector to make any required payments to effectuate settlements approved by the County Administrative Officer. Finally the proposed ordinance would provide for regular reporting by the County Counsel to the Board of Supervisors of settlements concluded pursuant to the granted authority.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Resolution

CAO ANALYST:

Ronald Alexander