



COUNTY OF HUMBOLDT

Legislation Text

File #: 19-502, **Version:** 4

To: Board of Supervisors

From: County Administrative Office

Agenda Section: Consent

SUBJECT:

Adoption of Resolution Updating Authority of the Risk Manager to Settle or Compromise Claims and Settle Pending Actions

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the proposed resolution delegating updated authority to the County Risk Manager to allow, settle or compromise claims and settle pending actions not exceeding \$30,000 and County Counsel to make certain litigation decisions.

SOURCE OF FUNDING:

Liability Fund (3524)

DISCUSSION:

The Board of Supervisors first delegated authority for the Risk Manager to settle or compromise claims against the county (not exceeding \$20,000) in 1983 (Resolution No. 83-65). This delegation was last revisited in 2006, when settlement authority was increased to \$25,000. (Resolution No 06-59). Your Board is authorized by Government Code section 935.4 to delegate authority to allow, settle, or compromise claims not exceeding \$50,000. Government Code section 949 authorizes delegation of authority to settle any pending actions.

The County Administrative Officer, in consultation with the County Counsel's office, has recommended that authority be delegated to the Risk Manager to allow, settle, or compromise claims or any pending action against the county for an amount not exceeding \$30,000. The current delegation to the Risk Manager to perform all the claim functions described in Government Code section 900-935.4 would continue. The proposed resolution also delegates to County Counsel authority to make litigation decisions in the best interests of the county related to filing of additional claims, tolling agreements, and waiver of potential conflicts of interest. These delegations involve issues of legal strategy that often must be made under strict time constraints.

FINANCIAL IMPACT:

The financial impact is dependent upon the claims and pending actions against the county.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

County Administrative Office, County Counsel, and Human Resources

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve the resolution and leave claim authority at the current level, however this is not recommended as the proposed resolution clarifies authority for pending actions, provides strategic authority to County Counsel, and is consistent with statewide practices in which delegations typically range from \$20,000 to \$50,000. Alternatively, the Board could approve a lower monetary limit.

ATTACHMENTS:

Resolution Updating Settlement Authority

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: June 6, 2006

File No.: E-2