



County of Sonoma
State of California

Date: October 4, 2022

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, The Board Of Directors Of The Sonoma County Water Agency ("Sonoma Water"), The Board Of Commissioners Of The Community Development Commission, and The Board Of Directors Of The Sonoma County Agricultural Preservation And Open Space District, Sonoma County Housing Authority, Delegating Settlement Authority regarding legal claims and lawsuits

WHEREAS, the Board of Supervisors of the County of Sonoma adopted Resolution 12-0578 on December 11, 2012, delegating specified settlement authority to settle claims and to make certain litigation strategy actions pursuant to Government Code sections 935.4 and 949;

WHEREAS, to increase administrative efficiency by expediting resolution of claims and pending litigation and streamlining processes to allow for more Board and staff capacity to handle other priorities, which aligns with the Board Strategic Plan Pillar of "Organizational Excellence," there is a desire to confirm the delegated authority of the Risk Manager and County Counsel to also act on behalf of the County of Sonoma, Sonoma Water, the Community Development Commission, the Agricultural Preservation and Open Space District (hereinafter collectively "Entities");

WHEREAS, there is also a desire to increase delegated settlement authority to the Risk Manager and County Counsel to allow, compromise or settle litigated actions up to \$100,000 filed against or brought by the County and to add specified additional delegated authority to promote efficiencies; and

WHEREAS, there is a desire to provide the Human Resources Director, or designee to settle grievances and disciplinary claims if it is in the best interest of the Entities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors the Board of Directors of the Sonoma County Water Agency ("Sonoma Water"), the Board of Commissioners of the Community Development Commission, and the Board of Directors of the Agricultural Preservation and Open Space District, Sonoma County Housing Authority (hereinafter collectively "Boards"), hereby finds, declares, determines and orders as follows:

1. Pursuant to Government Code sections 935.4 and 949, the Board of Supervisors delegates to the Risk Manager authority to supervise delegated authority and to allow, compromise or settle **claims** or pending lawsuits initiated against or brought by the

County, including but not limited to, workers' compensation actions, for an amount not to exceed twenty-five thousand dollars (\$25,000.00) per claim.

2. Pursuant to Government Code sections 935.4 and 949, the Board of Supervisors delegates to the Risk Manager, and County Counsel the authority to jointly allow, compromise or settle **claims** initiated against or brought by the Entities, including but not limited to, workers' compensation actions, for an amount over twenty-five thousand dollars (\$25,000.00), but not to exceed fifty thousand dollars (\$50,000.00) per claim or lawsuit, in such instances where the Risk Manager in conjunction with County Counsel, approve the proposed settlement.
3. Pursuant to Government Code section 949, the Boards delegate to the Risk Manager and County Counsel the authority to jointly allow, compromise or settle **pending litigation** initiated against or brought by the Entities in workers' compensation actions, for an amount not to exceed One Hundred Thousand Dollars (\$100,000) per lawsuit, in such instances where the Risk Manager, in conjunction with County Counsel, approve the proposed settlement.
4. The Auditor-Controller of the County of Sonoma is authorized and directed to cause a warrant to be issued upon the treasury of the appropriate Entity the amount for which a claim has been allowed, compromised or settled pursuant to this Resolution.
5. County Counsel or their delegated Deputies, or the Risk Manager or designee are authorized to execute all documents necessary and appropriate to implement the resulting settlements authorized by this Resolution.
6. The Risk Manager shall also have authority to execute agreements to waive potential conflicts of interest for County Counsel or other assigned counsel to concurrently represent the County and individually named employees in the same litigation;
7. When the County and any Entity or Entities are named in the same lawsuit, as either plaintiffs/petitioner or defendants/respondents, the Sonoma County Counsel shall have authority to waive potential conflicts of interest for the County, and the Department Head of each other Entity shall have authority to waive potential conflicts of interest for the Entity.
8. The Board of Supervisors hereby delegates to the Sonoma County Counsel the authority to determine whether or not it is in the best interests of the Entity to:
 - a) File cross-complaints, cross- claims, subrogation claims or collection actions;
 - b) Enter into tolling agreements;
 - c) Accept service of process for the particular Entity (nothing herein is intended to change the normal service of process requirements for any of the Entities);

- d) Waive potential conflicts of interest in retaining outside counsel (actual conflicts of interest posed by retaining outside counsel still must be approved by the Board);
 - e) Participate in routine class action lawsuits (including qui tam lawsuits) where expected recovery is less than \$100,000 as determined by the Risk Manager and County Counsel;
 - f) File a Petition for Workplace Violence Restraining Order pursuant to Code of Civil Procedure section 527.8.
 - g) Sign joint defense or joint prosecution agreements;
 - h) Sign confidentiality agreements relating to specific litigation to the extent allowed by law;
 - i) File amicus briefs if the position expressed is consistent with the Board's Legislative Platform and incurs no significant preparation costs;
 - j) Execute routine litigation forms, such as alternative dispute resolution disclosure forms; and
 - k) Sign any other required litigation forms including but not limited to, mediation disclosure forms.
9. The Boards further delegate to the Sonoma County Counsel and/or the Human Resources Director, or designee the authority to determine whether or not it is in the best interests of the Entity to:
- a) Allow, compromise or settle grievances brought by a Union on behalf of their Entity employed members for an amount not to exceed Twenty-Five Thousand Dollars (\$25,000) per grievance;
 - b) Enter into settlement agreements of disciplinary appeals, including actions pending before the Civil Service Commission where such settlement is less than \$25,000.00 and both County Counsel, HR Director and the Department Head determine it is in the best interests of the County to resolve the appeal in such manner.
 - c) Except for specific settlement authority delegation to other Departments such as to the Permit and Resources Management Division ("Permit Sonoma") for Code Enforcement, all prior grants of settlement authority (including Resolution No 12-0578 or other practices with respect to litigation strategies that are inconsistent with the provisions of this Resolution are rescinded.

Supervisors:

Gorin:

Rabbitt:

Coursey:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.