



## Legislation Text

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**File #:** 2022-1026, **Version:** 1

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**To:** Board of Supervisors of the County of Sonoma; Board of Directors of the Sonoma County Water Agency ("Sonoma Water"); Board of Commissioners of the Community Development Commission; Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

**Department or Agency Name(s):** County Counsel; Human Resources-Risk Management

**Staff Name and Phone Number:** Joshua A. Myers, Chief Deputy County Counsel, 707-565-3737; Janell Crane, Deputy Human Resources Director, 707-565-2885

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

### **Title:**

Concurrent Resolution of the Board of Supervisors/Board of Commissioners/Board of Directors delegating limited settlement authority and other litigation strategies.

### **Recommended Action:**

Adopt updated concurrent Resolution delegating settlement authority to the Risk Manager and County Counsel to allow, compromise or settle specified claims and litigation and to make certain other litigation strategy decisions.

### **Executive Summary:**

County Counsel and Human Resources recommend the Boards adopt a concurrent Resolution that updates and clarifies delegated settlement authority for claims, litigation, and other legal matters. This action would align with the Board's Strategic Plan Pillar of "Organizational Excellence," by increasing administrative efficiency, expediting resolution of claims and pending litigation, and providing the Board and staff more capacity to focus on other priorities. This delegated authority Resolution would clarify that the County of Sonoma, the Sonoma County Community Development Commission, the Sonoma County Water Agency ("Sonoma Water") as well as the Sonoma County Agricultural and Open Space District have delegated this limited settlement authority, would include certain litigation decisions not previously included in prior delegated authority resolutions, would update the settlement amount, and would expressly rescind certain prior delegated authority resolutions to make the record more clear.

### **Discussion:**

Pursuant to the authority set forth in Government Code sections 935.4 and 949, a Board of Supervisors or Board of Directors may adopt a resolution that delegates authority to certain County Departments to compromise, allow or settle claims or litigation against the entity. The Board of Supervisors has provided delegated settlement authority, in varying amounts, since 1985. Delegation of settlement authority has proven to increase efficiency in resolving claims and litigation. Most recently, the Board of Supervisors adopted Resolution 12-0578 on December 12, 2012, which delegated settlement authority to the Risk Manager allow, compromise or settle certain claims against the County if the amount to be paid did not exceed twenty-five thousand dollars (\$25,000.00) per claim, and delegated authority to the Risk Manager and County Counsel to jointly compromise or settle certain claims if the amount to be paid did not exceed fifty thousand dollars (\$50,000).

This latest update (1) provides delegated settlement authority from each entity; (2) confirms the prior delegation of settlement authority; (3) increases the delegated authority to County Counsel and the Risk Manager to jointly act to allow, compromise or settle litigated cases in amounts up to \$100,000 per case; (4) delegates authority to the Human Resources Director to settle grievances brought by a Union in an amount not to exceed \$25,000; and (5) delegates authority to the Risk Manager and County Counsel to make certain litigation-related decisions such as waiving potential conflicts of interest, filing cross-complaints, entering into tolling agreements, and signing joint defense agreements.

**Strategic Plan:**

These delegations of authority will further streamline the County's handling of claims and litigated matters. This will result in a more efficient resolution of legitimate claims and lawsuits thereby benefitting both the Entities and claimants and allow the Board and staff to focus time and energy on other priorities.

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Organizational Excellence

Goal: Goal 1: Strengthen operational effectiveness, fiscal reliability, and accountability

Objective: Objective 4: Streamline routine administrative procedures and workflows and delegate more signature authority to department heads in order to re-direct work force resources to more strategic priorities.

**Prior Board Actions:**

Resolution No. 85-2577 adopted November 1985 and Resolution No. 86-2354 adopted November 1986; Resolution 94-0295 adopted in March 1994; and Resolution 12-0578 adopted December 11, 2012.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 22-23 Adopted</b>	<b>FY23-24 Projected</b>	<b>FY 24-25 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>0</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>N/A</b>		

**Narrative Explanation of Fiscal Impacts:**

None.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Resolution

**Related Items "On File" with the Clerk of the Board:**

Resolution 12-0578.