



## Legislation Details (With Text)

<b>File #:</b>	20-00310	<b>Version:</b>	1
<b>Type:</b>	Administrative Item	<b>Status:</b>	Agenda Ready
<b>File created:</b>	4/30/2020	<b>In control:</b>	BOARD OF SUPERVISORS
<b>On agenda:</b>	5/12/2020	<b>Final action:</b>	5/12/2020
<b>Title:</b>	<p>Consider recommendations regarding the delegation to County Counsel of litigation filing and settlement authority for “Affirmative” Claims, not to exceed \$50,000.00 per case, as follows:</p> <p>a) Pursuant to Government Code sections 25203 and 949, for “affirmative” litigation (cases that may bring money to the County), delegate to County Counsel the authority to file and/or settle actions, only where County Counsel determines that neither the County’s realistic potential recovery nor the County’s expected litigation costs will exceed \$50,000.00 per case, and provided:</p> <p>i) The action does not use the County’s authority for land use, permitting, or code enforcement;</p> <p>ii) The settlement would not require amendment of any County policy, rule, or regulation;</p> <p>iii) Concurrence for any litigation filing or settlement is provided by: the Director(s) of the involved County department(s); or the County Executive Officer;</p> <p>iv) The Board may rescind the delegation of authority at any time; and</p> <p>v) County Counsel shall not re-delegate the authority; and shall report to the Board periodically on litigation filings and settlements made with the delegated authority; and</p> <p>b) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5) because it consists of government administrative or fiscal activities that will not result in direct or indirect physical changes in the environment.</p>		
<b>Sponsors:</b>	COUNTY COUNSEL		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Board Letter, 2. Minute Order		

Date	Ver.	Action By	Action	Result
5/12/2020	1	BOARD OF SUPERVISORS	Acted on as follows:	Pass

Consider recommendations regarding the delegation to County Counsel of litigation filing and settlement authority for “Affirmative” Claims, not to exceed \$50,000.00 per case, as follows:

a) Pursuant to Government Code sections 25203 and 949, for “affirmative” litigation (cases that may bring money to the County), delegate to County Counsel the authority to file and/or settle actions, only where County Counsel determines that neither the County’s realistic potential recovery nor the County’s expected litigation costs will exceed \$50,000.00 per case, and provided:

- i) The action does not use the County’s authority for land use, permitting, or code enforcement;
- ii) The settlement would not require amendment of any County policy, rule, or regulation;

iii) Concurrence for any litigation filing or settlement is provided by: the Director(s) of the involved County department(s); or the County Executive Officer;

iv) The Board may rescind the delegation of authority at any time; and

v) County Counsel shall not re-delegate the authority; and shall report to the Board periodically on litigation filings and settlements made with the delegated authority; and

b) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5) because it consists of government administrative or fiscal activities that will not result in direct or indirect physical changes in the environment.