

Approved: October 22, 2020
Resolution No. 20-50

A. PURPOSE AND APPLICABILITY

This policy establishes the respective authority and reporting requirements of the County Administrator and Board of Commissioners for settlement of claims, litigation and separation agreements. This policy shall not apply where severance pay is considered or approved pursuant to the terms of the County's Employee Personnel Manual or labor agreement authorizing severance.

B. DEFINITIONS

Consideration means a monetary commitment on the part of the County, whether in the form of a lump sum cash payment, or compensation for services for a specified term, or individually-negotiated payments for benefits (e.g., COBRA); it excludes payments for salary and benefits previously earned and accrued by the employee (e.g., earned leave) or continued employment on the same terms as existed prior to the agreement.

C. AUTHORITY AND RESPONSIBILITY

The County Administrator shall have authority as follows:

1. To settle claims, litigation or enter into separation agreements when the consideration paid by the County has a value of \$10,000 or less;
2. To reimburse an individual or business where the County caused property damage and the out of pocket cost to the claimant to repair or replace the property has a value of \$25,000 or less;
3. To settle citizen (non-employee) liability claims or litigation where the County's insurance carrier authorizes settlement; and
4. Upon the recommendation of legal counsel for the County and the County's workers' compensation third party administrator, the County Administrator may authorize workers' compensation redemptions within the limits of the funds allocated by the Board of Commissioners.

Settlement of litigation, claims or entering into separation agreements in excess of limitations described above shall be reserved to the County Board of Commissioners.

D. PROCEDURE

1. Settlements and separation agreement proposals which require approval by the Board of Commissioners shall require a recommendation from the County Administrator or legal counsel for the County.
2. Waiver and release provisions of all settlements of claims, litigation and separation agreements, regardless of the amount of consideration, shall be in a form approved by legal counsel for the County.
3. The County Administrator shall provide the Board of Commissioners a written quarterly report of the settlements of claims and litigation, and all separation agreements authorized under this Policy.