RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No ___)
Pass and adopt this Resolution authorizing County Counsel to settle claims against the County up to a maximum of $2,500. Counsel will authorize payment of claims when a determination is made that there is in fact liability to the County. This will simplify and expedite the processing of these claims.

Additionally resolve to continue to give Counsel blanket authority to retain outside counsel, if necessary, to represent the County in legal matters. Outside counsel would be retained in the event Counsel does not have time to represent the County or if there is a need for a legal specialist in a particular field.

A memorandum to the Board from Counsel dated February 18, 1993 addresses these issues.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
In the past, the Board usually followed Counsel's recommendation pertaining to claims to be paid by the County.
Several years ago, the Board gave Counsel blanket authority to retain outside counsel.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1. Do not adopt this Resolution. Claim processing would continue as in the past and Counsel would be not be allowed to retain outside counsel.
2. Continue to give Counsel blanket authority relative to retaining outside counsel, however, do not authorize Counsel to settle claims against the County.

COST: ( ) Not Applicable
A. Budgeted current FY $________
B. Total anticipated costs $________
C. Required add'l funding $________
D. Internal Transfers $________

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues $________
B. Reserve for contingencies $________
C. Source Description:

Balance in Reserve for Contingencies,
if approved: $________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
Memo to Board dated 2/18/93

CLERK'S USE ONLY:
Res. No.: ___ Ord. No.: ________
Vote: Ayes: ___ Noes: ___
Absent: ___ Abstained: ___
Approved: ( ) Denied
( ) Minute Order Attached
( ) No Action Necessary

ADMINISTRATIVE OFFICER'S
RECOMMENDATION:
This item on agenda as:
___ Recommended
___ Not Recommended
___ For Policy Determination
___ Submitted with Comment
___ Returned for Further Action
The foregoing instrument is a correct copy of the original on file in this office.

DATE: __________________________

ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of Calif.
By: __________________________

Deputy

Comment: __________________________

A.O. Initials: __________________________

Action Form Revised 5/92
TO: Board of Supervisors
FROM: Jeffrey G. Green, County Counsel
RE: Request for Board Approval

Dear Board Members:

I have two matters that I would like to bring before the Board for consideration.

First, I would like to request authority from the Board of Supervisors to settle claims against the County up to a maximum of $2500 where I determine that there is in fact liability to the County.

The procedures required to process a claim (including Margie's time and staff time) are very time consuming and I believe that with most of the claims that we have that are of a value of $2500 or less it is generally very clear whether or not we have liability.

I would of course keep the Board informed by notifying you of claims and settlements of those claims, but I believe it would streamline the procedure both in my office and in the office of the Clerk of the Board.

Secondly, a number of years ago the Board gave me blanket authority to retain outside counsel as necessary to represent the County in matters where I didn't have the time to do so, or where we need a legal specialist. This was primarily in the area of litigation, but also could include other areas of expertise, such as an expert in tax law for assessment appeals or an expert in personnel to deal with allegations of wrongful termination, etc.
Board of Supervisors  
February 18, 1993  
Page Two  

This procedure has worked very well in the past and my recommendation is that the Board continue to give me this authority. My intent in bringing this before you at this time is that there are new members on the Board who may not be aware of the way we have handled these matters in the past.

If the Board so approves, I would like to have a minute order showing that I have authority to hire outside counsel as I deem necessary in the interest of the County.

Thank you for courtesy and cooperation in these matters.

Very truly yours,

[Signature]

Jeffrey G. Green  
County Counsel

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