SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET

Creation Date: 5/9/06
Source Code: COUNC
Agenda Date: 5/16/06
INVENUM: 57712

Resolution(s):

Ordinance(s):

Contract(s):

Continue Date(s): [1] 6/6/06

Index: --Letter of County Counsel
--Proposed Ordinance
--Notice of Intention
--Notice of Adoption

Item: 56. CONSIDERED proposed ordinance to increase settlement authority for Risk Manager and County Administrative Officer for Tort and Worker's Compensation Claims and considered amendments to the County Code to add section on Special Education Claims;
(1) approved "in concept" ordinance amending the County Code as follows:
(a) Increase the settlement authority in County Code Section 1.05.130 for tort and damage claims as follows: settlement authority for the Personnel Director/designee not to exceed $15,000; settlement authority for the County Administrative Officer for amounts greater than $15,000 but less than $25,000; and
(b) Increase the settlement authority in County Code Section 1.05.140 for workers' compensation claims as follows: settlement authority for the Risk Manager not to exceed $15,000; and
(c) Add County Code Section 1.05.150 for settlement of special education claims by the Health Services Agency Administrator for amounts not to exceed $10,000.
(2) return to the Board on June 6, 2006 for final adoption;
(3) with additional directions that at least once a year a presentation be given to the Board on selected sample of claims and provide a list to the Board every quarter which would state each case and the amount of the settlement

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA

AT THE BOARD OF SUPERVISORS MEETING
On the Date of May 16,2006

REGULAR AGENDA Item No. 56

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Beautz, the Board, by unanimous vote, (1) approved "in concept" ordinance amending the County Code as follows: (a) Increase the settlement authority in County Code Section 1.05.130 for tort and damage claims as follows: settlement authority for the Personnel Director/designee not to exceed $15,000; settlement authority for the County Administrative Officer for amounts greater than $15,000 but less than $25,000; (b) Increase the settlement authority in County Code Section 1.05.140 for workers' compensation claims as follows: settlement authority for the Risk Manager not to exceed $15,000; (c) Add County Code Section 1.05.150 for settlement of special education claims by the Health Services Agency Administrator for amounts not to exceed $10,000; and (2) return to the Board on June 6, 2006 for final adoption;
(3) with additional directions that at least once a year a presentation be given to the Board on selected sample of claims and provide a list to the Board every quarter which would state each case and the amount of the settlement

cc:
CAO
County Counsel
Personnel
Risk Management

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board** of **Supervisors of the County** of **Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered** in **the Minutes** of **said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed tthe seal of said Board of Supervisors.

by _____ , Deputy Clerk ON May 17, 2006

COUNTY OF SANTA CRUZ

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 95060-4068
831) 454-2040 FAX: (831) 454-2115

DANA McRAE, COUNTY COUNSEL

Chief Assistant
Rahn Garcia

Assistants
Harry A. Oberhelman III
Marie Costa
Jane M. Scott
Tamyra Rice
Julia Hill
Shannon M. Sullivan
Miriam L. Stombler
Jason M. Heath
Christopher R. Cheleden
Betsy L. Allen
David Brick

Special Counsel
Dwight Herr
Deborah Steen

Agenda: May 16,2006

Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, California 95060

Re: PROPOSED ORDINANCE TO INCREASE SETTLEMENT AUTHORITY FOR RISK MANAGER AND COUNTY ADMINISTRATIVE OFFICER FOR TORT AND WORKERS' COMPENSATION CLAIMS AND AMEND COUNTY CODE TO ADD SECTION ON SPECIAL EDUCATION CLAIMS

Dear Members of the Board:

Currently, the County Code authorizes the Personnel Director or her designee to compromise or settle certain tort liability claims or other damage claims filed against the County of Santa Cruz or its employees, provided the amount to be paid has been approved by County Counsel (amount not to exceed $2,500) or the County Administrative Officer (amount greater than $2,500 but not to exceed $5,000). If the amount to be paid exceeds $5,000, the allowance, compromise or settlement must be approved by your Board.

The County Code also authorizes the Risk Manager to compromise or settle any workers' compensation claim filed against the County of Santa Cruz, provided the amount does not exceed $10,000. If the amount to be paid exceeds $10,000, the allowance, compromise or settlement must be approved by your Board.

A recent survey of 37 California counties and cities revealed that Santa Cruz County's settlement authority limits for the Personnel Director/Risk Manager and the County Administrative Officer for tort liability claims and workers' compensation claims against the County are significantly less than the median settlement authority limits of the public agencies surveyed. The median settlement authority limit for the surveyed public agencies are $15,000 for the Personnel Director/Risk Manager and $25,000 for the County Administrative Officer.

These County Code provisions were last updated over ten years ago. Staff recommends that the settlement authority described above be brought into conformity with the median settlement authority amounts indicated by the survey.

Similar to claims for tort liability and workers' compensation, claims for mental health related special education services and related legal proceedings brought under the Federal Individuals with Disabilities Education Act ("IDEA") are regularly filed against the County of Santa Cruz. Currently, all of these claims must come before your Board prior to being settled.

Consistent with the settlement authority currently authorized for workers' compensation and tort claims, staff recommends your Board amend the County Code to authorize the Health Services Agency Director to compromise or settle IDEA related claims made against the County. Settlements could not exceed $10,000 and each settlement would also require the approval of County Counsel. If the amount to be paid exceeds $10,000, your Board must approve the compromise or settlement.

IT IS THEREFORE RECOMMENDED that the Board of Supervisors:

1. Approve in concept the ordinance amending the County Code as follows:

   a. Increase the settlement authority in County Code Section 1.05.130 for tort and damage claims as follows: settlement authority for the Personnel Director/designee not to exceed $15,000; settlement authority for the County Administrative Officer for amounts greater than $15,000 but less than $25,000; and

   b. Increase the settlement authority in County Code Section 1.05.140 for workers' compensation claims as follows: settlement authority for the Risk Manager not to exceed $15,000; and

   c. Add County Code Section 1.05.150 for settlement of special education claims by the Health Services Agency Administrator for amounts not to exceed $10,000.

2. Place the ordinance on June 6,2006, agenda for final action.

Very truly yours,

DANA MCRAE, COUNTY COUNSEL

RECOMMENDED:

SUSAN A. MAURIELLO
County Administrative Officer

DM:RG:las

56

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 1.05.130 AND 1.05.140 AND ADDING SECTION 1.05.150 TO THE SANTA CRUZ COUNTY CODE RELATING TO CLAIMS FOR MONEY OR DAMAGES

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 1.05.130 of the Santa Cruz County Code is hereby amended to read as follows:

Section 1.05.130 Action on liability claims.

A. All tort liability claims required to be presented to the county of Santa Cruz under the provisions of the California Tort Claims Act of 1964 (Government Code Section 810, et. seq.) or this chapter shall be filed with the clerk of the board of supervisors.

B. The personnel director or his/her designee of the county of Santa Cruz is authorized to allow, compromise or settle any tort liability claim or other claim for damages or any legal action for damages that is filed against the county of Santa Cruz, its officers or employees; provided:

1. The amount to be paid pursuant to such allowance, compromise or settlement, does not exceed ~~two thousand five hundred~~ fifteen thousand dollars and the allowance, compromise or settlement is approved by county counsel; or the amount to be paid is greater than ~~two~~ fifteen thousand ~~five hundred~~ dollars, but less than ~~five~~ twenty-five thousand dollars and the allowance, compromise or settlement is approved by the county counsel and the county administrative officer. If the amount to be paid exceeds ~~five~~ twenty-five thousand dollars, the allowance, compromise or settlement must be approved by the board of supervisors;

2. The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy.

C. In all claims or actions that are allowed, compromised or settled, the auditor-controller will be responsible upon written order of the county counsel, and in accordance with the terms of such allowance, compromise or settlement, to cause the necessary warrant to be issued upon the treasury of the county of Santa Cruz in any amount for which such tort liability claim or action has been allowed, compromised or settled pursuant to this section. (Ord. 4395 § 1, 1995: Ord. 3977 § 1 (part), 1989)

SECTION II

Section 1.05.140 of the Santa Cruz County Code is hereby amended to read as follows:

Section 1.05.140 Action on workers' compensation claims.

A. All county employees making a claim for workers' compensation benefits under the provisions of Division 4 (commencing with Section 3200) of the Labor Code shall file such claims with the risk manager, or the Workers' Compensation Appeals Board pursuant to Division 4, Chapter 3 of the Labor Code and Title 8, Administrative Code, Section 10400.

B. The risk manager of the county of Santa Cruz is authorized to allow, compromise or settle any workers' compensation claim or case that is filed against the county of Santa Cruz; provided:

1. The amount to be paid pursuant to such allowance, compromise or settlement does not exceed ~~ten~~ fifteen thousand dollars;

2. The claim or action is for benefits as defined under the Workers' Compensation Laws of the state;

3. The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy; and

4. Any such compromise or settlement is approved by the Workers' Compensation Appeals Board (WCAB).

C. In all workers' compensation claims or actions that are allowed, compromised or settled, the county's workers' compensation claims administrator shall, upon order from the risk manager, cause the necessary check to be issued from the county's workers' compensation trust account in an amount for which any workers' compensation claim or action has been allowed, compromised or settled and approved by the Workers' Compensation Appeals Board (WCAB). (Ord. 3977 § 1 (part), 1989)

SECTION III

The Santa Cruz County Code is hereby amended by adding thereto Section 1.05.150 to read as follows:

Section 1.05.150 Action on special education claims.

A. This section shall govern the settlement or compromise of any request for mental health related special education services, and related legal proceeding, under the

of the Federal Individuals with Disabilities Education Act, the California Special Education Programs, Education Code Sections 5600, et. seq., or Government Code Section 7570, et. seq.

B. The health services agency director of the county of Santa Cruz is authorized to compromise or settle any claim or legal proceeding for mental health related special education services, made against the county of Santa Cruz, which complies with each of the following provisions:

1. The amount to be paid pursuant to such compromise or settlement, does not exceed ten thousand dollars. If the amount to be paid exceeds ten thousand dollars, the compromise or settlement must be approved by the board of supervisors;

2. The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy.

3. The compromise or settlement is approved by the county counsel.

C. In all requests or proceedings that are compromised or settled, the health services agency administrator shall be responsible, upon written order of the county counsel, and in accordance with the terms of such compromise or settlement, to cause the necessary warrant to be issued upon the appropriate mental health budget account of the county of Santa Cruz in the amount for which such mental health related special education services request or proceeding has been compromised or settled pursuant to this section.

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____,2006, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Attest:_____
Clerk of the Board

_____
Chair of the
Board of Supervisors

Approved as to form:

Assistant County Counsel

Approved "in concept'' May ., 2006. To return on June 6, 2006 for final adoption

0000370

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 1.05.130 AND 1.05.140 AND ADDING SECTION 1.05.150 TO THE SANTA CRUZ COUNTY CODE RELATING TO CLAIMS FOR MONEY OR DAMAGES

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 1.05.130 of the Santa Cruz County Code is hereby amended to read as follows:

Section 1.05.130 Action on liability claims.

A. All tort liability claims required to be presented to the county of Santa Cruz under the provisions of the California Tort Claims Act of 1964 (Government Code Section 810, et. seq.) or this chapter shall be filed with the clerk of the board of supervisors.

B. The personnel director or his/her designee of the county of Santa Cruz is authorized to allow, compromise or settle any tort liability claim or other claim for damages or any legal action for damages that is filed against the county of Santa Cruz, its officers or employees; provided:

1. The amount to be paid pursuant to such allowance, compromise or settlement, does not exceed fifteen thousand dollars and the allowance, compromise or settlement is approved by county counsel; or the amount to be paid is greater than fifteen thousand dollars, but less than twenty-five thousand dollars and the allowance, compromise or settlement is approved by the county counsel and the county administrative officer. If the amount to be paid exceeds twenty-five thousand dollars, the allowance, compromise or settlement must be approved by the board of supervisors;

2. The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy.

C. In all claims or actions that are allowed, compromised or settled, the auditor-controller will be responsible upon written order of the county counsel, and in accordance with the terms of such allowance, compromise or settlement, to cause the necessary warrant to be issued upon the treasury of the county of Santa Cruz in any amount for which such tort liability claim or action has been allowed, compromised or settled pursuant to this section. (Ord. 4395 § 1, 1995: Ord. 3977 § 1 (part), 1989)

SECTION II

Section 1.05.140 of the Santa Cruz County Code is hereby amended to read as follows:

Section 1.05.140 Action on workers' compensation claims.

A. All county employees making a claim for workers' compensation benefits under the provisions of Division 4 (commencing with Section 3200) of the Labor Code shall file such claims with the risk manager, or the Workers' Compensation Appeals Board pursuant to Division 4, Chapter 3 of the Labor Code and Title 8, Administrative Code, Section 10400.

B. The risk manager of the county of Santa Cruz is authorized to allow, compromise or settle any workers' compensation claim or case that is filed against the county of Santa Cruz; provided:

1. The amount to be paid pursuant to such allowance, compromise or settlement does not exceed fifteen thousand dollars;

2. The claim or action is for benefits as defined under the Workers' Compensation Laws of the state;

3. The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy; and

4. Any such compromise or settlement is approved by the Workers' Compensation Appeals Board (WCAB).

C. In all workers' compensation claims or actions that are allowed, compromised or settled, the county's workers' compensation claims administrator shall, upon order from the risk manager, cause the necessary check to be issued from the county's workers' compensation trust account in an mount for which any workers' compensation claim. or action has been allowed, compromised or settled and approved by the Workers' Compensation Appeals Board (WCAB). (Ord. 3977 § 1 (Part), 1989)

SECTION III

The Santa Cruz County Code is hereby amended by adding thereto Section 1.05.150 to read as follows:

Section 1.05.150 Action on special education claims.

A. This section shall govern the settlement or compromise of any request for mental health related special education services, and related legal proceeding, under the

provisions of the Federal Individuals with Disabilities Education Act, the California Special Education Programs, Education Code Sections 5600, et. seq., or Government Code Section 7570, et. seq.

B. The health services agency director of the county of Santa Cruz is authorized to compromise or settle any claim or legal proceeding for mental health related special education services, made against the county of Santa Cruz, which complies with each of the following provisions:

1. The amount to be paid pursuant to such compromise or settlement, does not exceed ten thousand dollars. If the amount to be paid exceeds ten thousand dollars, the compromise or settlement must be approved by the board of supervisors;

2. The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy.

3. The compromise or settlement is approved by the county counsel.

C. In all requests or proceedings that are compromised or settled, the health services agency administrator shall be responsible, upon written order of the county counsel, and in accordance with the terms of such compromise or settlement, to cause the necessary warrant to be issued upon the appropriate mental health budget account of the county of Santa Cruz in the amount for which such mental health related special education services request or proceeding has been compromised or settled pursuant to this section.

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 2006, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Attest:_____
Clerk of the Board

_____
Chair of the
Board of Supervisors

Approved as to form:

_____
Assistant County Counsel

PUBLIC NOTICE OF INTENTION TO ADOPT ORDINANCE (SUMMARY)

Notice is hereby given that the Board of Supervisors of the County of Santa Cruz at its regularly scheduled meeting on June 6,2006, in the Board Chambers, 701 Ocean Street, Room 525, Santa Cruz, will consider adoption of an ordinance amending and adding a section to the Santa Cruz County Claims Against the County Ordinance (Chapter 1.05 of the Santa Cruz County Code). The proposed ordinance increases and establishes settlement authority amounts to be in conformity with other California public agencies. The ordinance includes the following:

1. Amends Section 1.05.130 to increase the settlement authority for the Personnel Director/designee and the County Administrative Officer for tort and damage claims.

2. Amends Section 1.05.140 to increase the settlement authority for the Risk Manager for workers' compensation claims.

3. Adds Section 1.05.150 to establish the settlement authority **for** the Health Services Agency Administrator for special education claims.

A copy of **the** full text of the proposed ordinance is posted in the Office of the Clerk of the Board of Supervisors, Room 500, Santa Cruz, California.