

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-171

Delegation of Authority to Make Expenditures from the Risk Management Fund, Settle Claims Against the County, and Settle County Litigation

The Multnomah County Board of Commissioners Finds:

- a. The County has a Risk Management Fund. The purpose of this fund is to account for expenditures and reserves for the protection of County assets, employees, programs and operations.
- b. The County Attorney provides legal services for the County, represents its officials and employees, and controls and supervises all civil actions and legal proceedings in which the County is a party or has a legal interest.
- c. MCC 7.101(B)(11) allows disbursements from the Risk Management Fund for litigation costs and expenses when authorized by the Board or delegated by Board resolution.
- d. MCC 7.104 states that authority over settlement of claims and litigation against the County or its employees rests with the Board or as delegated by Board resolution.
- e. MCC 7.201(H) provides that the County Attorney shall initiate, defend, appear or appeal any legal action when requested by the Board or delegated by Board resolution.
- f. The Chair has previously delegated authority to the County Attorney to settle claims and litigation.

The Multnomah County Board of Commissioners Resolves:

1. The County Attorney is delegated authority to defend or appear in any legal action, matter or proceeding in any court or tribunal when requested by the Board, Chair, Sheriff or Auditor.
2. The County Attorney is delegated authority to initiate or appeal any legal action, matter or proceeding in any court or tribunal when approved by the Board.
3. The County Attorney is delegated authority to approve disbursements from the Risk Management Fund within budget appropriations for the following purposes:
 - A. costs and expenses related to County tort litigation;
 - B. costs and expenses related to County non-tort litigation;
 - C. outside legal counsel retained under MCC 7.201(M).

4. The County Attorney is delegated authority to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.
5. A work group is directed to research the delegation of authority of other jurisdictions and to make recommendations to the Board on possible additional delegation of authority concerning the risk fund and County litigation. The work group will be headed by a District Four representative and will include representatives from each elected official's office and the County Attorney's office. The work group will present its recommendations within six months of the effective date of this resolution.
6. This resolution takes effect on January 18, 2004.

ADOPTED this 18th day of December, 2003



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Agnes Sowle, County Attorney