

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 07-037**

Delegation of Authority to Make Expenditures from the Risk Management Fund, Settle Claims Against the County, and Settle and Initiate County Litigation, and Repealing Resolution 03-171

**The Multnomah County Board of County 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. On December 18, 2003, by Resolution 03-171, the Board delegated certain authority to the County Attorney with respect to risk management fund expenditures and settlement.
- g. The Board wishes to expand the authority delegated to the County Attorney with respect to initiating litigation and to authorize the Risk Manager to settle worker's compensation claims up to \$25,000.

**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 initiate:
  - A. petitions for guardianship and conservatorship that are filed on behalf of the Public Guardian;
  - B. appeals from sanction decisions of the Adult Care Home Program;

- C. tax litigation at the Department of Revenue and in Federal Tax Court (property tax appeals, not personal income tax);
  - D. appeals in Circuit Court from denials and rejections of concealed handgun license applications;
  - E. labor arbitrations and merit council matters;
  - F. miscellaneous legal actions, including brief appearances on behalf of county departments to quash subpoenas or to limit the testimony of county employees in suits where the county is not a named party;
  - G. small claims court proceedings (all small claims matters are less than \$5,000);
  - H. LUBA decision appeals;
  - I. ITAX collection litigation;
  - J. appeals on ongoing lawsuits.
4. 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).
5. 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 Risk Manager is delegated authority to settle worker's compensation claims in amounts up to \$25,000 per case. The County Attorney and Risk Manager must obtain Board approval for all settlements of over \$25,000.
6. Resolution 03-171 is repealed.

ADOPTED this 22nd day of February 2007.

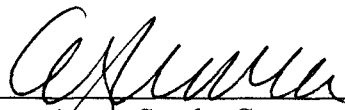


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Agnes Sowle, County Attorney

SUBMITTED BY:  
Agnes Sowle, County Attorney