

COUNTY OF SHASTA		Number
ADMINISTRATIVE MANUAL		3-100
SECTION:	Risk Management	Procedures for Handling Claims and Litigation Involving Shasta County and its Officers, Agents, and Employees
INITIAL ISSUE DATE:	January 28, 1992	
LATEST REVISION DATE:	May 12, 2020	
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PURPOSES

1. To provide timely and thorough management of claims related to civil causes of action and workers’ compensation;
2. To provide timely legal representation of the County and its officers and employees in civil and administrative proceedings;
3. To minimize County losses;
4. To maintain close staff communication and cooperation to insure the best representation for the County; and
5. To clarify staff roles and responsibilities for administering claims and representing the County and its officers and employees in civil and administrative actions.

PROCEDURES

1. Acceptance of Service of Process

a. Service on the County.

From time to time, a lawsuit seeking damages or an injunction is brought against the County and/or against one or more County officers or employees. Claims or suits which are being served on the County as a defendant, including the presentation of an amendment to a claim, an application for leave to file a late claim, or a petition to excuse claim filing, shall ordinarily be accepted only by the Clerk of the Board of Supervisors or his or her deputy. However, the County Counsel may accept service of process of suits against the County, or County officers or employees, upon determining that doing so would be in the County’s best interests. No other officer or employee is authorized to accept service on behalf of the County.

b. Service on a County Officer or Employee.

A lawsuit might be served on an officer or employee by “personal service” (handing the paperwork to the individual) or by “substitute service” (leaving a copy of the summons and complaint during usual working hours at the defendant’s office with a person who is apparently in charge of the office, followed by mailing a copy of the documents to the same office). Any officer or employee who is served with a petition

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or complaint related to acts or omissions within the course and scope of County employment shall immediately note on the document his or her name and the date of service and shall telephone County Counsel to advise of the service. The document shall be delivered to the County Counsel's office within 24 hours of service.

c. Mailed Service.

Any officer or employee who receives any petition or complaint through the mail shall immediately note on the document his or her name and the date of receipt and shall telephone County Counsel to advise of receipt of the document. The document shall be delivered to the County Counsel's office within 24 hours of receipt.

The officer or employee shall **not** sign or return an acknowledgment of receipt for any legal document. An officer or employee who receives a claim by mail shall immediately forward the claim to the Clerk of the Board.

2. Handling of Claims

a. With regard to claims filed pursuant to the Tort Claims Act (Government Code Sections 810 et. seq.), amendments to such claims, or applications for leave to file a late claim, the Clerk of the Board of Supervisors shall:

- (1) Note on the document the date, time, and by whom received;
- (2) Insert a copy of the document into the Clerk's public access file; and
- (3) Forward copies of the document to Risk Management and County Counsel.

b. A copy of any claim received directly by Risk Management shall be forwarded to the Clerk of the Board for the Clerk's public access file.

c. All claims, amendments to claims, and applications for leave to file a late claim received by Risk Management shall be reviewed with an attorney from the County Counsel's office and, when appropriate, the Public Works Director or other county staff. This review shall take place whenever necessary, but no less frequently than once each month. A copy of any claim which the Risk Manager determines may present a substantial risk of liability exposure to the County in excess of \$50,000 shall be forwarded to and reviewed with County Counsel within 24 hours after that determination is made.

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- d. Risk Management may send to the claimant notice of rejection or denial of the claim, amendment to a claim, or an application for leave to file a late claim, as appropriate.
- e. The Risk Manager may, by written contract, retain investigators where necessary to investigate incidents which, in the Risk Manager’s opinion, pose a substantial risk of loss to the County.
- f. Upon the request or concurrence of the Risk Manager, and, upon authorization or ratification by the Board of Supervisors, County Council may retain outside counsel at the claim stage for cases which County Counsel determines pose a significant risk of legal exposure. A copy of each contract for legal services will be provided to the Risk Manager. Outside counsel will confer with both the Risk Manager and County Counsel as to the status of those matters and as to any settlement offers or proposals.
- g. The Risk Manager shall promptly review and process any billing statements for legal or related services received from County Counsel and notify County Counsel and the County Administrative Office of any funding problems or potential reserves transfers.
- h. The Risk Manager shall monitor all claims and place Public Risk Innovation, Solutions, and Management (also known as PRISM, or PRISM Risk) on notice of each claim in accordance with their reporting guidelines.

3. Handling of Other Legal Documents

- a. With regard to petitions to excuse claim filing, civil summonses, and civil or administrative complaints or petitions, the Clerk of the Board shall:
 - (1) Note on the document the date, time, and by whom received;
 - (2) Immediately notify County Counsel by telephone of receipt of the document;
 - (3) Cause the document to be hand-delivered to or picked up by County Counsel within 24 hours of service or receipt; and
 - (4) Forward a copy of the document to Risk Management within 24 hours of service or receipt.

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- b. The Clerk of the Board shall forward any documents related to workers' compensation matters to Risk Management upon receipt.
- c. With regard to any suit served upon County Counsel, copies of the summons and complaint shall be forwarded to the Clerk of the Board and Risk Management within 24 hours of receipt.
- d. County Counsel shall determine which civil or administrative cases are to be handled by County Counsel staff attorneys and which should be referred to outside counsel upon Board approval. If the County does not have a legal services contract with the attorney or firm to which the case is assigned, County Counsel shall promptly prepare a contract for the Board's consideration.
- e. County Counsel may retain necessary investigators and experts and shall authorize payment of all litigation-related costs. County Counsel shall consult with the Risk Manager regarding the retention and estimated cost of investigators and experts.
- f. County Counsel shall promptly advise the Board of Supervisors of any civil legal/administrative proceeding which may pose a substantial risk of loss to the County.
- g. County Counsel shall provide litigation oversight on all cases with the exception of workers' compensation cases, for which Risk Management shall provide oversight. Risk Management shall provide status reports regarding workers' compensation cases to County Counsel as County Counsel may request. Risk Management shall immediately provide notification to County Counsel of any workers' compensation case filed by a County department head or in which the claimant alleges that a personnel action or an internal affairs investigation resulted in compensable stress to the claimant. Similar notification will be given to the claimant's appointing authority.
- h. County Counsel shall immediately forward to Risk Management all original billings received from outside counsel and other service providers for litigation-related expenses. The Risk Manager shall promptly review and process all billing statements.
- i. County Counsel shall provide to Risk Management copies of all status reports written by County Counsel staff attorneys or outside counsel which relate to the County's liability or the value of cases being handled by County Counsel or outside counsel to allow Risk Management to adequately advise PRISM.

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SETTLEMENT AUTHORITY

The Risk Manager shall manage and oversee all outstanding workers’ compensation claims and cases and is authorized to settle those claims and cases for up to \$50,000 and to pay all necessary medical and rehabilitation expenses, investigative and adjusting costs, and witness and attorneys’ fees (see Policy 3-110). The Risk Manager may also settle Tort Claims Act claims up to \$50,000.

The County Counsel shall represent the County and its officers and employees in civil actions, other than workers’ compensation cases, and shall manage and oversee those cases for which outside counsel has been retained. County Counsel is authorized to settle civil cases for up to \$50,000.

In addition, the County Executive Officer is authorized to deny, allow, compromise, or settle claims or suits against the County, its officers, or employees for up to \$50,000.

The County Auditor shall issue warrants on those claims allowed, compromised, or settled by the Risk Manager, County Counsel, or County Executive Officer. Warrants shall be issued and released within two days of the Auditor’s receipt of a written request for the warrant if the request is marked “Priority.”

REPORTS TO BOARD OF SUPERVISORS

Cases which in the judgment of County Counsel or the Risk Manager should be brought to the Board of Supervisors’ attention shall be reported to the Board at a closed session held at the next available regularly scheduled board meeting.

As to all pending claims and suits where the potential exposure exceeds \$50,000, Risk Management and County Counsel will provide confidential status reports to the Board of Supervisors on an annual basis, or more frequently if appropriate.

The status reports for civil actions and workers’ compensation cases will be presented in a format approved by the Board.

RESPONSIBLE DEPARTMENTS

- Clerk of the Board
- County Counsel
- Support Services -- Risk Management

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REFERENCES

- BOS Policy Resolution No. 2020-044 (Amended)
- BOS Policy Resolution No. 2014-03 (Amended)
- Administrative Update--07/13/2012
- BOS Policy Resolution No. 2008-02--3/4/08 (Renumbered to 3-100 from 1-400; amended)
- BOS Policy Resolution No. 2004-4--7/27/04 (Amended)
- BOS Policy Resolution No. 2001-10--8/14/01 (Amended)
- BOS Policy Resolution No. 95-4--3/14/95 (Amended)
- BOS Policy Resolution No. 94-3--5/3/94 (Amended)
- BOS Policy Resolution No. 93-5--6/1/93 (Amended)
- BOS Policy Resolution No. 92-1--1/28/92
- BOS Policy No. 3-110