

Board of County Commissioners Leon County, Florida

Policy No. 21-2

Title: Settlement of Legal Controversies

Date Adopted: June 8, 2021

Effective Date: June 8, 2021

Reference: Policy No. 16-5, Real Estate Policy

Policy Superseded: Policy No. 93-1, “Settlement of Claims Matters and Litigation - County Court”, adopted January 12, 1993

It shall be the policy of Leon County, Florida, that Policy No. 93-1, “Settlement of Claims Matters and Litigation – County Court” adopted by the Board of County Commissioners on January 12, 1993, is hereby repealed and superseded, and a new policy, “Settlement of Legal Controversies”, is hereby adopted in its place, to wit:

Section 1. Intent. The intent of this Policy is to provide the authority for the County Administrator and the County Attorney, jointly, to settle legal controversies, both monetary and non-monetary, involving the County, thus enabling the Board to perform freely, without unnecessary interruption, its fundamental intended purpose of policymaking. It is the further intent of this Policy to provide a formula and structure for the economic and efficient settlement of claims and litigation for monetary damages, fees, and costs involving the County.

Section 2. Authority. The County Administrator and the County Attorney, jointly, are hereby authorized to settle legal controversies, both monetary and non-monetary, involving the County. This authority with regard to monetary settlements is subject to the following parameters.

Section 3. Insurance deductible or self-insured retention met. The County Administrator and the County Attorney, jointly, are authorized to settle claims and litigation for alleged monetary damages, fees, and costs, pursuant to the following conditions:

- a. The County has met the insurance deductible or self-insured retention amount; and
- b. The County’s insurer pays the full amount necessary to settlement claims or litigation for alleged monetary damages, fees, and costs, as applicable; and
- c. There is no further monetary obligation of the County.

Section 4. Alleged money damages not covered by insurance. The County Administrator and the County Attorney, jointly, are authorized to settle claims and litigation for alleged monetary damages, fees, and costs, pursuant to the following conditions:

- a. The alleged money damages, fees, and costs, as applicable, are not covered by the County's insurance; and
- b. The alleged money damages, fees, and costs, as applicable, do not collectively exceed \$100,000.00.

Section 5. Workers' Compensation. The County Administrator and the County Attorney, jointly, are authorized to settle workers' compensation claims and litigation for alleged money damages, fees, and costs up to the self-insured retention amount maintained by the County.

Section 6. Conflicts. Nothing herein is intended to limit or supersede any settlement authority set forth in Policy No. 16-5, "Real Estate Policy", as may be amended or superseded.

Section 7. Notice to the Board. The Board shall be promptly notified of all settlements made pursuant to this Policy.