

## Council Meeting Staff Report

October 29, 2019

---

**Agenda No.:** G.

**Indexes (Council Goals):**

**Presenters:** Alvin Leaphart

**Legislative File:** RE0428-19

---

### Title

Incorporated County of Los Alamos Resolution No. 19-26; A Resolution Delegating Limited Authority to Certain County Officials to Initiate, Maintain, Settle and Compromise Legal Claims and Causes of Actions on Behalf of the Incorporated County of Los Alamos

### Recommended Action

**I move that Council approve Resolution No. 19-26; A Resolution Delegating Limited Authority to Certain County Officials to initiate, Maintain, Settle and Compromise Legal Claims and Causes of Actions on Behalf of the Incorporated County of Los Alamos.**

### Staff Recommendation

The County Manager and County Attorney recommend the approval of this resolution.

### Body

Typically, with a local government--or any other corporate entity-- there will be a clear delegation of limited authority to the head executives of the local government and the local government's attorney to enter and settle legal causes of actions which are not covered by the local government's insurance policy. The purpose of this resolution is to clarify that a limited delegation of corporate authority to the County Attorney, the County Manager, and the Utilities Manager has occurred allowing these specified officers of the County to initiate, maintain, settle and compromise legal claims and causes of action on behalf of the County.

It is important to note that most claims made against the County are covered by our insurance policy with the New Mexico Self-Insurers Fund. As provided in the Joint Powers Agreement and the bylaws of the New Mexico Self-Insurers Fund, which the County agreed to, the County has delegated settlement authority over claims covered by New Mexico Self-Insurers Fund to the New Mexico Self-Insurers Fund, as is the norm for any contract for insurance. As such, no action by the County or the County Council is required for claims covered by the New Mexico Self-Insurers Fund.

As provided in this resolution, if there is a claim involving money damages not covered by the NMSIF, the County Manager or Utilities Manager with the consent of the County Attorney will have authority to settle claims up to \$35,000.00. This monetary limit was pulled from a similar ordinance for the City of Albuquerque. When a proposed settlement agreement is beyond the limits of authority delegated by the Resolution, the proposed settlement agreement will come to Council for approval as an agenda item at an open meeting. The settlement can be discussed in closed session, but formal approval must take place in an open session.

The resolution clarifies settlement authority for matters pending before entities such as the New Mexico Public Regulation Commission as well as the County Manager's settlement authority before local boards such as the personnel board, and settlement authority for arbitrations conducted under a collective bargaining agreements. The resolution also clarifies the role of the County Attorney's Office in the prosecution of cases in the Municipal Court.

### Alternatives

---

The Council can choose not to adopt this resolution.

**Fiscal and Staff Impact**

The fiscal and staff impact is minimal.

**Attachments**

A - Notice of Publication

B - Incorporated County of Los Alamos Resoluion 19-26