

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA**

**RESOLUTION TO PROVIDE AUTHORITY)
FOR DIRECTOR OF PUBLIC WORKS TO) RESOLUTION NO. 2020-99
INVOICE AND COLLECT FUNDS FOR DAMAGE)
TO PUBLIC PROPERTY AND SETTLE MATTER)
WITHIN THE AUTHORITY PROVIDED HEREIN)**

WHEREAS, public property is damaged on a regular basis within Yuba County, and there is an interest in expedited invoicing and recovery of losses for the County's taxpayers.

WHEREAS, in addition to the loss or damage, some damage requires repair or replacement on an expedited basis to prevent injury or further losses. In so doing, the County must expend funds in advance of recovery to make the repairs.

WHEREAS, very commonly the resulting damage to public property is subject to coverage by insurance companies, and said insurers seek releases from further liability prior to making payment of their policy coverage limits.

WHEREAS, as a result of the common nature of the claims and typically low value, the public benefits from the accelerated resolution of these matters.

NOW, THEREFORE, BE IT RESOLVED, the Yuba County Board of Supervisors hereby declares:

Section 1. The County would benefit from expedient resolution of matters in which public property has been damaged.

Section 2. The Board hereby authorizes the Director of Public Works to invoice all known persons damaging public property owned by Yuba County. Further, the Board gives the Director of Public Works the authority to enter into settlement releases where the claim is less than \$50,000 and the claim will be paid in full.

Section 3. The Board further provides authority for the Director of Public Works to enter into settlement releases where the loss is less \$50,000 and is in excess of insurance policy limits of the person causing the damage as follows: (i) where the difference between the loss and the payment is less than \$5,000 and after diligent inquiry the Director of Public Works has confirmed the payment is in fact the policy limit; (ii) the Director of Public Works believes the

person damaging the property has insufficient assets to fully reimburse the loss and no other insurance or source of payment exists; and (iii) the Director of Public Works and County Counsel believes litigating the matter would be more costly than the expected benefit, or the unreimbursed amount is small enough as to make any further efforts more costly than any further expected recovery.

Final approval of any claims receiving less than the estimated value of the loss shall be reviewed and approved by the Chief Administrative Officer. All releases shall be approved by County Counsel. Any claim in excess of \$50,000 or any settlement leaving \$5,000 or more unreimbursed shall be approved by this Board.

NOW, THEREFORE, BE IT RESOLVED, the Yuba County Board of Supervisors hereby


PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the 25 day of August, 2020 by the following vote:

AYES: Supervisors Vasquez, Leahy, Bradford, Fletcher

NOES: None

ABSENT: Supervisor Lofton

ABSTAIN: None


VICE CHAIR

ATTEST: RACHEL FERRIS
CLERK OF THE BOARD OF SUPERVISORS


Mary Pasillas, Board Clerk

MICHAEL J. CICOZZI
YUBA COUNTY COUNSEL
APPROVED AS TO FORM:

