

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

September 23, 2025

FROM

TOM BUNTON, County Counsel

VICTOR TORDESILLAS, Deputy Executive Officer, Department of Risk Management

SUBJECT

Adoption of Ordinance Relating to the Authority of the County Counsel and the Risk Manager

RECOMMENDATION(S)

Adopt **Ordinance No. 4498** amending Sections 12.1907 and 12.3405 of the San Bernardino County Code, relating to the Authority of the County Counsel and the Risk Manager, which was introduced on September 9, 2025, Item No. 80.

(Presenter: Tom Bunton, County Counsel, 387-5455)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not impact Discretionary General Funding (Net County Cost). Settlements of claims will be paid from various departments' budgets or by the Department of Risk Management.

BACKGROUND INFORMATION

The ordinance revising the County Code to provide clear authority for the County Counsel and the Risk Manager, in connection with filing or settling lawsuits involving the County or other entities governed by the Board of Supervisors/Board of Directors (Board), was introduced on September 9, 2025, Item No. 80. This item will adopt the ordinance on the consent calendar to allow for the more efficient resolution of some lawsuits.

Under the ordinance, the County Counsel or designee, with consent of the involved department, is authorized to file a lawsuit or other legal action to seek compensation for damage to property or injury to an employee while the employee is in the course and scope of their employment. Further, the County Counsel or designee is authorized to settle claims and lawsuits provided: (1) the settlement does not exceed \$50,000; (2) the County department or other Board governed entity involved and any outside counsel handling the case agree with the settlement; (3) an insurance company does not have the ability to settle the claim; (4) it is not handled by the Risk Management Department; and (5) does not involve an employee or former employee's claim that alleges, solely, entitlement to back-pay. County Counsel or designee is authorized to settle claims or lawsuits filed by the County or other Board governed entity where the settlement is no more than \$50,000 less than what is owed to the County or Board governed entity.

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The ordinance also expands and clarifies the authority of the Risk Manager. It authorizes the Risk Manager or designee, with consent from the County Counsel, to agree to the filing of a lawsuit or other legal action to seek compensation for damage to property or injury to an employee while the employee is in the course and scope of their employment. The Risk Manager is authorized to settle any tort liability claim or lawsuit provided the settlement does not exceed \$50,000, County Counsel agrees with the settlement, and the claim or lawsuit is not subject to an insurance policy where the insurance company has the authority to settle the claim or lawsuit. The Risk Manager is authorized to settle any tort liability claim or lawsuit filed by the County or other Board governed entity provided the settlement is no more than \$50,000 less than what is owed to the County or Board governed entity. The Risk Manager or designee is authorized to settle workers' compensation cases or to settle lawsuits seeking to recover workers' compensation benefits under certain circumstances.

If adopted the ordinance will become effective in 30 days.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on August 6, 2025; Risk Management (Rebecca Suarez, Interim Director, 386-8723) on August 6, 2025; and County Finance and Administration (Penelope Chang, Principal Administrative Analyst, 387-4886) on August 22, 2025.

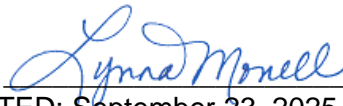
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 23, 2025



cc: File - Risk Management w/ ordinance
JLL 09/23/2025