

**RESOLUTION 039-2018**

**A RESOLUTION ADOPTING A REVISED AND COMBINED POLICY ON RISK MANAGEMENT AND CLAIM SETTLEMENT; AND RESCINDING PRIOR RESOLUTIONS PERTAINING TO SUCH SUBJECTS**

**WHEREAS**, on June 22, 2011, the Board of County Commissioners of Sedgwick County, Kansas ("County") enacted Resolution 130-2011 adopting a risk management policy governing the method of managing risk;

**WHEREAS**, on August 7, 2013, County enacted Resolution 149-2013 adopting a policy delegating authority to the County Counselor to settle claims; and

**WHEREAS**, County has determined that provisions in Resolutions 130-2011 and 149-2013 should be combined and revised for clarity.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that:

**SECTION 1.** Resolution 130-2011 is hereby repealed in its entirety. Resolution 149-2013 is hereby repealed in its entirety.

**SECTION 2.** Policy No. 2.500, entitled "County Insurance Program & Settlement of Claims" is hereby adopted as set forth on the attached Exhibit A which is attached hereto and made a part hereof by reference.

**SECTION 3.** Policy No. 2.500 shall become effective upon passage of this resolution.

Commissioners present and voting were:

DAVID M. UNRUH	<u>aye</u>
MICHAEL B. O'DONNELL, II	<u>aye</u>
DAVID T. DENNIS	<u>aye</u>
RICHARD RANZAU	<u>aye</u>
JAMES M. HOWELL	<u>aye</u>

Dated this 14<sup>th</sup> day of March, 2018.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

*Karen S. Powell*  
KELLY B. ARNOLD, County Clerk



*David T. Dennis*

DAVID T. DENNIS, Chairman  
Commissioner, Third District

*David M. Unruh*

DAVID M. UNRUH, Chair Pro Tem  
Commissioner, First District

APPROVED AS TO FORM: :

*Karen L. Powell*

KAREN L. POWELL  
Deputy County Counselor

*Michael B. O'Donnell, II*

MICHAEL B. O'DONNELL, II  
Commissioner, Second District


*Richard Ranzau*

RICHARD RANZAU  
Commissioner, Fourth District

*James M. Howell*

JAMES M. HOWELL  
Commissioner, Fifth District

**EXHIBIT A**

 Sedgwick County... <i>working for you</i>	<b>County Insurance Program &amp; Settlement of Claims</b>
<b>Last Revision Date:</b> _____	<b>Policy No. 2.500</b>
<b>Last Enabling Resolution:</b> _____	<b>Developer/Reviewer:</b>  <b>County Counselor and Chief Financial Officer</b>

**1. Purpose**

The purposes of this policy are to: (1) provide the framework of Sedgwick County's methods of protecting its financial interests by managing risks associated with county operations; and (2) to document the roles and responsibilities of the Chief Financial Officer and County Counselor related to management of risk and settlement of claims and litigation.

**2. Scope**

This policy applies to all Department directors, Division directors and elected officials.

**3. Policy**

**3.1. Managing Risk.** County employees and elected officials are obligated to use reasonable measures to: (1) mitigate the risk of damage to, loss of or control of County assets; and (2) limit the County's financial and legal liability.

**3.2. Responsibilities.** The Chief Financial Officer is responsible for administering methods of managing risks associated with County operations. The Division of Finance manages: (1) all property and liability claims not originating from incidents occurring at the Sedgwick County Detention Facility; (2) all issues related to on-the-job injuries, including workers' compensation claims; and (3) all issues related to county vehicle liability, including claims for damages related to traffic accidents. The County Counselor manages: (1) all claims filed pursuant to K.S.A. 12-105b; (2) all lawsuits filed against Sedgwick County; and (3) all other matters required by Charter Resolution No. 46.

**3.2.1. Self-Insured.** The County generally acts as its own insurer (is "self-insured") for losses when doing so is financially prudent. Such situations are normally those which are predictably frequent and for which the resulting losses would not cause a significant impact on the County's fiscal status.

**3.2.2. Insurance.** When the CFO determines that relying on the County's own assets to cover the risk of loss is not financially prudent, CFO shall procure professional insurance coverage to adequately cover the risk of loss. Insurance agent services may be utilized; however, procurement shall be accomplished in accordance with County purchasing requirements. The Chief Financial Officer will provide executive direction for the County's insurance program and have responsibility for:

- Identifying and measuring all risks of accidental loss;
- Selecting appropriate risk management techniques for resolving exposure problems (i.e. risk assumption, risk reduction, risk transfer);
- Developing and maintaining an information system in coordination with existing systems for timely and accurate recording of losses, claims, insurance premiums, and other related costs and information;
- Allocating appropriated costs to budgetary units;
- Providing prior notice to County Manager of all settlement decisions made pursuant to this policy.

### **3.3. Settlement of Claims and Litigation**

**3.3.1. Settlements in General.** The County intends for litigation and claims to be handled in a manner that allows the public to know how the matters were settled and by whom. The appropriate department or division director, elected official or other County official may be required to respond to the Board of County Commissioners regarding claims and litigation related to that official's operations.

**3.3.2. Settlement Authority.** The County Counselor has authority to settle the following types of claims and litigation filed against the county:

- Workers compensation matters (including expenses for medical treatment, legal representation and payment for disability, whether temporary or permanent, partial or total) up to \$100,000 per claimant;
- Real and personal property damage loss up to \$25,000 per claimant for uninsured claims;
- Real and personal property damage loss up to the amount of the deductible for insured claims;
- Personal injury, employment and civil rights matters up to \$25,000 per claimant;
- Subrogation matters up to \$25,000 per claimant; and
- Other litigation and claims up to \$25,000 per claimant.

**3.3.3. Limitations.** Sexual harassment lawsuits and claims must be resolved in a manner consistent with the county's policy on sexual harassment and must be consistent with the privacy rights of the complaining party. The County Counselor shall not agree to any settlement agreement which contains a requirement that the terms and conditions of the settlement be made confidential.

**3.3.4. Report.** Every month the County Counselor shall report to the Board of County Commissioners any and all lawsuits or claims settled by him/her during the past 30 days, including claimant's name, the nature of the claim and amount paid.