



**ADMINISTRATIVE POLICIES**

<b>SECTION:</b>	<b>General Administration</b>		<b>POLICY #:</b>	<b>212</b>	
<b>TITLE:</b>	<b>County Litigation Defense</b>		<b>PROCEDURE #:</b>	<b>212-A</b>	
			<b>ORDER #:</b>	<b>08-98</b>	
<b>DEPT:</b>	<b>Legal Counsel</b>		<b>DIVISION:</b>		
<b>ADOPTED:</b>	<b>01/86</b>	<b>REVIEWED:</b>	<b>6/08</b>	<b>REVISED:</b>	<b>7/08</b>

**PURPOSE:** To reduce risk and limit exposure of liability through litigation defense of employee relations, tort claims, civil rights claims and miscellaneous civil actions, to promote settlement and compromise where liability exposure exists, to limit expenditures of time and money and avoid judgments or orders against the county by minimizing litigation.

**AUTHORITY:** The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the county under ORS 203.010, 203.035 and 203.111.

The Marion County Board of Commissioners expresses the governing body’s formal, organizational position on fundamental issues or specific repetitive situations through formally adopted, written policy statements. The policy statements serve as guides to decision making for both elected and appointed officials on the conduct of county business.

The Administrative Policies and Procedures Manual of the Board of Commissioners outlines the forms and process through which the board takes official action on administrative policy, and is the official record of county administrative policy.

Statutory References

Oregon Revised Statutes chapters 20, 28, 30, 31, 33, 34, 36, 250, 254, 652, 659A, ORS 166.293, ORS 203.145, Oregon Rules of Civil Procedure, Oregon Constitution, Title VII of the Civil Rights Act of 1964, 42 USC §§ 1981-1988, the Americans with Disability Act, the Age Discrimination in Employment Act, the Family Medical Leave Act, the Rehabilitation Act of 1973, the Equal Pay Act of 1963, Executive Order 11246, Federal Rules of Civil Procedure, and United States Constitution.

**APPLICABILITY:** All public officials, including county officers, employees or agents, irrespective of whether or not a person is compensated for services.

## **SUBJECT: COUNTY LITIGATION DEFENSE**

### **GENERAL POLICY:**

1. Litigation includes, but is not limited to, arbitration, administrative hearings, court cases (state or federal), and resolution of contract disputes, with the exception of litigation related to Workers' Compensation. Alternative dispute resolution should be considered when feasible and appropriate as a litigation defense option.
2. Elected officials and department heads are responsible for consulting with the appropriate county staff in legal counsel, risk management or human resources to assess the risk and impact of litigation upon the county.
3. Unless otherwise specifically authorized by the county legal counsel, the lawyers in the Marion County Office of Legal Counsel serve as the exclusive legal representatives and defense attorneys for Marion County.
4. All elected officials, appointed officers, employees and agents of the county shall cooperate fully with the defense of claims.
5. If an individually named defendant officer, employee or agent fails to cooperate or otherwise acts in prejudice of the defense of the claim, the county may at any time reject the defense of the claim and may refuse to hold harmless or indemnify that person.

### **POLICY GUIDELINES:**

1. Responsibilities: All Marion County public officials are responsible for compliance with this policy.
2. Implementation: All Marion County departments will adhere to the policy and procedures.
3. Periodic Review: Review of this policy shall be conducted annually to ensure compliance with any legal changes that may occur.