

Resolution # _____

RESOLUTION AUTHORIZING SMALL CLAIMS COMMITTEE SETTLEMENT AUTHORITY

- WHEREAS, the daily business of Buncombe County involves the handling of claims for worker's compensation, auto accident; personal injury, and other general liability matters;
- WHEREAS, for many reasons, claims might need to be settled on an expedited basis and for amounts that are tantamount to cost of defense;
- WHEREAS, North Carolina General Statutes §153A-11, Corporate powers, grants to each county the powers to sue and be sued and to contract and be contracted with and that this Board understands that these statutory powers are a distinct part of the claims and settlement process;
- WHEREAS, North Carolina counties are governed, in part, by NCGS §153A-12, Exercise of corporate powers, which authorizes counties in the exercise of its statutory powers to provide by ordinance or resolution a power, right, duty, function, privilege, or immunity that is conferred or imposed by law without direction or restriction as to how it is to be exercised or performed; and
- WHEREAS, this Board wishes to name a small claims committee consisting of County Legal Services, County Manager, and Finance Director, and to grant said committee authority to settle matters as described above up to \$30,000.

NOW, THEREFORE, BE IT RESOLVED by the Buncombe County Board of Commissioners as follows:

1. That a Small Claims Committee consisting of County Legal Services, County Manager, and Finance Director is hereby established.
2. That the Small Claims Committee shall have authority to settle claims made against the County involving worker's compensation, auto accident; personal injury, and other general liability matters in amounts up to \$30,000.
3. That the terms of any such settlement shall be reported to this Board and entered into the minutes as soon as possible within a reasonable time after the settlement is concluded.
4. That this resolution shall become effective upon adoption.

This the 19th day of June, 2018.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney