



Contra
Costa
County

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: December 13, 2011

Subject: RECEIVE public report of litigation settlement agreements that became final during the period of November 1, 2011 through November 30, 2011

RECOMMENDATION(S):

RECEIVE public report of litigation settlement agreements that became final during the period of November 1, 2011 through November 30, 2011.

FISCAL IMPACT:

Settlement amounts are listed below.

BACKGROUND:

Four agreements to settle pending litigation, as defined in Government Code section 54956.9, became final during the period of November 1, 2011 through November 30, 2011.

Contra Costa County v. DeWitt, CCC Sup. Ct. Case No. C10-03010. This was an action to acquire certain property by eminent domain in the Antioch area as part of the State Route 4 East - Somersville Road to Route 160 widening project. It was tentatively agreed that the defendants would convey all necessary property interests to the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/13/2011** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 13, 2011

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Thomas Geiger,
925-335-1800

BACKGROUND: (CONT'D)

County for \$36,000, inclusive of all statutory costs and interest. The Board of Supervisors authorized settlement in closed session on September 20, 2011, by a 5-0 vote. Judgment pursuant to the parties' stipulation was entered on November 2, 2011. The settlement amount will be paid through Contra Costa Transportation Authority funds.

Contra Costa County v. Austin, et al., CCC Sup. Ct. Case No. C10-01740. This was an action to acquire certain property by eminent domain on Kregor Peak, and related site access, for the County Department of Information Technology's Kregor Peak communications facility. It was tentatively agreed that the defendants would convey all necessary property interests to the County for \$2,490,000, inclusive of all statutory costs and interest. The Board of Supervisors authorized settlement in closed session on September 13, 2011, by a 5-0 vote. Judgment pursuant to the parties' stipulation was entered on November 23, 2011. The settlement amount will be paid with General Fund reserves.

Contra Costa County v. Bhalla, et al., CCC Sup. Ct. Case No. C10-03011. This was an action to acquire certain property by eminent domain in the Antioch area as part of the State Route 4 East - Somersville Road to Route 160 widening project. It was tentatively agreed that the defendants would convey all necessary property interests to the County for \$800,000, plus statutory costs and interest. The Board of Supervisors authorized settlement in closed session on November 8, 2011, by a 5-0 vote. Judgment pursuant to the parties' stipulation was entered on November 23, 2011. The settlement amount will be paid through Contra Costa Transportation Authority funds.

Arntz v. Concord Health Center, et al., CCC Sup. Ct. Case No. C11-00934. This case involved the testing and diagnosis of a County health services cancer patient. As part of a settlement and release agreement, the Board of Supervisors authorized payment of \$150,000 to the plaintiff, inclusive of attorney fees and costs. The Board authorized settlement on November 8, 2011, in closed session, by a 5-0 vote. The settlement became final on November 17, 2011. The settlement amount is paid through the Liability Internal Service Fund.

No agreements to settle pending litigation became final during the period of October 1 through October 31, 2011.

This report includes final settlements of litigation matters handled by the Office of the County Counsel. This report does not include litigation settlements that were previously reported orally in open session or by the Risk Management Division of the County Administrator's Office as a consent item on the Board's open session agenda.

CONSEQUENCE OF NEGATIVE ACTION:

The report would not be accepted.

CHILDREN'S IMPACT STATEMENT:

Not applicable.