



Contra
Costa
County

To: Board of Supervisors
From: Thomas L. Geiger, Chief Assistant County Counsel
Date: February 7, 2023

Subject: Supplemental public report of litigation settlement agreements that became final in 2022, through January 3, 2023

RECOMMENDATION(S):

RECEIVE supplemental public report of litigation settlement agreements that became final in 2022, through January 3, 2023, as recommended by the Chief Assistant County Counsel.

FISCAL IMPACT:

Settlement amounts are listed below.

BACKGROUND:

This report supplements litigation settlement reports that were received by the Board of Supervisors on March 8, 2022; August 2, 2022; September 13, 2022; October 11, 2022; and November 29, 2022. In addition to the settlement agreements reported on those dates, four agreements to settle pending litigation, as defined in Government Code section 54956.9, became final in 2022, through January 3, 2023.

Cynthia Slezak v. County of Contra Costa, et al. CCC Sup. Ct. Case No. C17-02454. On January 18, 2022, the Board of Supervisors approved a settlement in this inverse condemnation lawsuit involving water damage to the plaintiff's property. The Board authorized settlement in the amount of \$70,000, inclusive of attorneys' fees and costs, in

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/07/2023** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II
Supervisor
Diane Burgis, District III Supervisor
Ken Carlson, 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: February 7, 2023

Monica Nino, County Administrator and Clerk of the
Board of Supervisors

Contact: Thomas L. Geiger, Chief
Assistant County Counsel, (925) 655

By: Stacey M. Boyd, Deputy

closed session by a 4-0 vote, Supervisor Andersen abstained. The funding source is the Risk Management Liability Internal Service Fund. The settlement agreement was fully executed on February 10, 2022.

BACKGROUND: (CONT'D)

Clarence Frazier v. Contra Costa County, et al., USDC Case No. 21-cv-2204 (N.D. Cal.). On February 1, 2022, the Board of Supervisors approved by a vote of 5-0 a settlement in this civil rights claim involving a medical condition. The Board authorized settlement in the amount of \$300,000, inclusive of attorneys' fees and costs, in closed session by a 5-0 vote. The funding source is the Risk Management Liability Internal Service Fund. The settlement agreement was fully executed on February 24, 2022.

Jim Lynn Bennefield v. Patrick Mazerski, et al., Yolo Co. Sup. Ct. Case No. CV2021-0425. On October 11, 2022, the Board of Supervisors approved a settlement in this personal injury claim arising out of an automobile accident involving a Sheriff's Office vehicle. The Board authorized settlement in the amount of \$167,500, inclusive of attorneys' fees and costs, in closed session by a 5-0 vote. The funding source is the Risk Management Liability Internal Service Fund. The settlement agreement was fully executed on October 25, 2022.

In re Orbisonia Heights/Ambrose Village project. On November 29, 2022, the Board of Supervisors authorized a settlement of pending California Environmental Quality Act litigation related to the Board's approval of agreements for the development of the Orbisonia Heights/Ambrose Village project in Bay Point. The Board authorized settlement in closed session by a 5-0 vote. The agreement among Discovery Builders, Inc.; Sierra Pacific Properties, Inc.; Pacific West Communities, Inc.; and the County requires County staff to recommend certain future conditions of approval but does not involve any County payments. The settlement agreement was fully executed on January 3, 2023.

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 reported by the Risk Management Division of the County Administrator's Office as a consent item on the Board's open session agenda.