



Board Agenda Item 45

DATE: July 9, 2019
TO: Board of Supervisors
SUBMITTED BY: Paul Nerland, Director of Human Resources
SUBJECT: Request to Defend Public Officers or Employees

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Agreement to Defend Public Officer(s) or Employee(s) for the employee(s) listed below:

Name of Officer(s)/

Employee(s)

Position

Title of Action

Brandi Orth

County Clerk/Register of Voters
County Clerk

The Unitarian Universalist
Church of Fresno
v
Brandi Orth

Description:

Claimant alleges discrimination and retaliation by the County Clerk's office, which is the proximate cause of the claimants' injuries/damages.

Fresno County Claim No.: 10096
Eastern District Court Case No.: 1:19-CV-00808-AWI-BAM
Claimant: The Unitarian Universalist Church of Fresno

ALTERNATIVE ACTION(S):

No alternative action is available as Article 4 (commencing with section 825), Chapter 1, Part 2, Division 3.6 of Title 1 of the Government Code requires the County indemnify its public employees.

FISCAL IMPACT:

Funds to finance the cost of defense are contained in the Risk Management Internal Services Fund. Defense costs are supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

The California Government Code requires the County to defend its officer(s) and/or employees(s) who are sued because of their actions while in the course and scope of employment. The County may require officer(s) and/or employee(s) to agree that the County's rights under the law are protected.

In the above-mentioned action, the officer(s) and/or employee(s) who have been named in the suit have requested the County to provide legal defense. The necessary agreement to protect the County's rights has been signed by said officer(s) and/or employee(s) and is on file with the Clerk of the Board.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Brandi Orth with Exhibit "A"
Article 4. Indemnification of Public Employees

CAO ANALYST:

Debbie Paolinelli